INQUIRY
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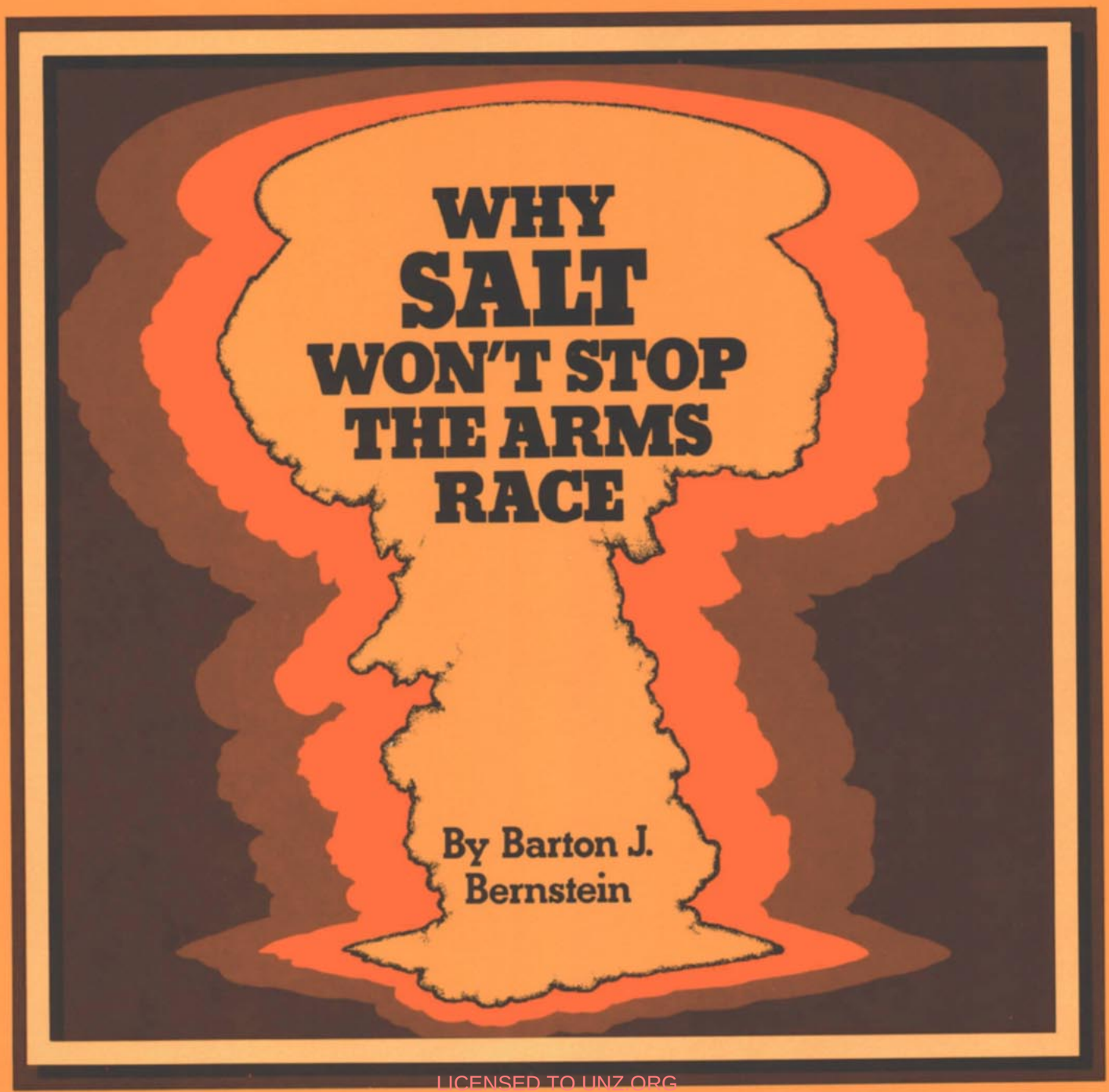
The Pentagon's New Quick-Strike Policy

Legalizing "National Security" Wiretaps

Anthony Burgess, Henry Nash Smith



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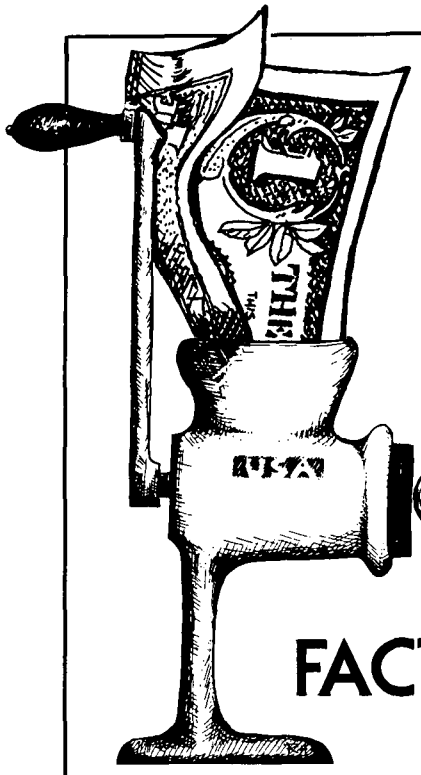

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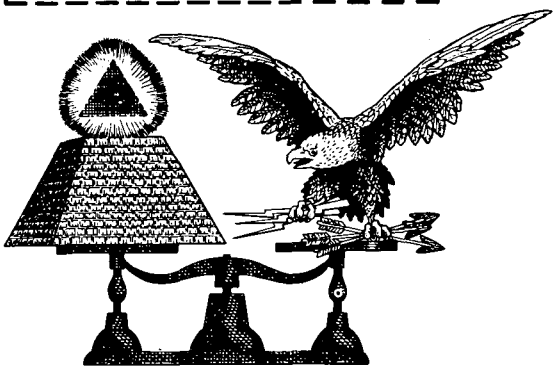

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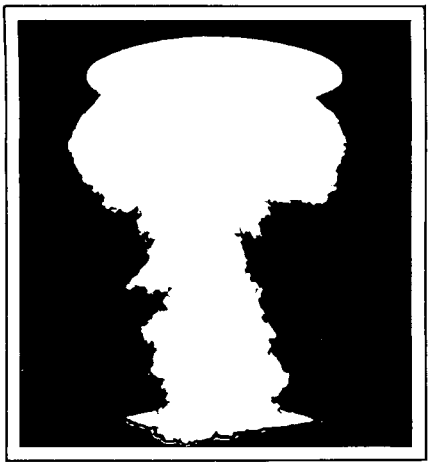

THE PROPOSED SALT II agreement may keep the arms race from accelerating. But as Barton J. Bernstein writes in this issue's cover story, it "does not deny either the United States or the Soviet Union any major weapons system that their leaders desire." The horror continues. What then can we do? Bernstein's advice, to use his own word, is "unsettling."

Quick Strike

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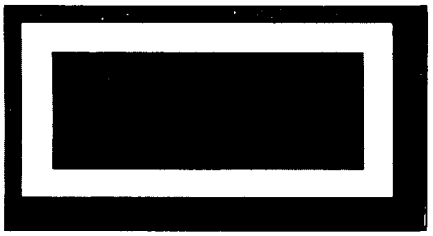

Whistling in the dark

■ The president of the nation's largest public employees union said today that the vote by Californians to reduce property taxes reflected the ineptness of politicians and government managers.

Jerry Wurf, president of the American Federation of State, County and Municipal Employees, called the vote "an aberration."

—New York Times, June 12, 1978

Just be glad it wasn't something complicated

■ The [Coeur d'Alene, Idaho] City Council has turned down a $12,800 federal grant to renovate a fire station after receiving a 400-page instruction book along with a note saying more instructions would follow. . . .

The U. S. Economic Development Administration had approved the grant, which was supposed to enable the city to put a new roof and storm windows on the fire station and add insulation.

—Los Angeles Times, May 5, 1978

Bottomless concern

■ The Administration has decided to go ahead with about $12 million in loans to Nicaragua, held up since early this year because of the country's human rights record, officials said Tuesday. . . . State Department spokesman Hodding Carter said the decision to release aid to Nicaragua was not a change in the policy of linking U.S. aid with civil liberties.

"We remain concerned about the human rights situation in Nicaragua," he said.

—Los Angeles Times, May 17, 1978

Do as we say, not as we do

■ The Federal Government is failing to protect the safety and health of its own employees adequately and, as a result, the costs of worker sickness and injury are skyrocketing, according to internal Administration documents. . . .

The documents . . . indicate a broad lack of compliance with the provisions of the Occupational Health and Safety Act by Federal agencies. They also indicate a pattern of resistance to OSHA's efforts to see that the rules are followed. . . .

Apparently, Federal workers who make complaints about working conditions or who help OSHA inspectors are sometimes subject to harassment by their employers, just as workers in private industry sometimes are penalized for such cooperation.

—New York Times, June 22, 1978

Just a minor oversight

■ The response of black African nations to Western suggestions and support for a continental peacekeeping force have ranged from indignant accusations of neocolonial designs to outright approval. . . .

Kenya has not made any official response. But one privately owned newspaper here reported that while the idea of an African force might be appropriate, there was something wrong with having Western nations discussing the plan without any African presence.

—New York Times, June 8, 1978

It may not be constitutional. . .

■ President Carter warned Congress today that his Administration would not consider itself legally bound by legislative vetoes of arms sales, Federal regulations, departmental spending and other executive actions.

—New York Times, June 22, 1978

. . . but he has it on good authority

■ President Carter appealed to an audience of Southern Baptist laymen today to become more involved in public life, assuring them that in his own office he had not encountered "any conflict between God's will and my political duty."

—New York Times, June 17, 1978

Maybe there'll be a flood

■ The U.S. Navy, in a billion-dollar version of every basement boatbuilder's nightmare, is constructing a ship apparently too big to get out the door. The vessel is the mammoth new missile-firing Trident submarine: longer than the Washington Monument is high, and—evidently—six inches deeper than the Thames River [Connecticut] channel here, where it is scheduled to be launched next year.

Spokesmen for both the Navy and the Electric Boat Division of General Dynamics, which is building the Trident, say this is really not a problem.

—Washington Post, June 18, 1978

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Tax unrest reaches Washington

Opportunity for Pentagon critics

EVER SINCE THE MORNING OF JUNE 7, the day after the California primary and the landslide victory of Proposition 13, the media have been filled with reports on the growing nationwide tax revolt. From the polls, the press, and other sources, the mood of the people is clear, and political activists have begun trying to respond to the new radical mood. But there are indications of confusion and timidity among the present leaders of the antitax movement—a circumstance that may furnish critics of the policy of global intervention with an unanticipated opportunity.

Shrewd observers have pointed out that the vote for the Jarvis-Gann initiative and, in fact, the whole current massive protest against taxes are part of something larger. Even before the vote, pollster Mervin Field stated: "A heavy tide is running in favor of Proposition 13, fueled by an incredible anti-government feeling. We're looking at a political earthquake that's going to have national implications." And the *Christian Science Monitor* observed that the California vote "is, largely, an extension of the same public unhappiness that has been in evidence since Vietnam and Watergate. . . people just do not trust their government or their government leaders."

Given this background and context for the tax revolt—given that the revolt may be on the point of becoming a tax *strike* (37 percent of those polled by NBC News said they were considering refusing to pay their property taxes)—Howard Jarvis's antics during his recent trip to Washington were, to say the least, odd. Before visiting that city, Jarvis had been noted for his basically accurate, if rather pungent, descriptions of politicians: "People don't know the bastards we've been electing. They didn't know they elected people who were evil, 90 percent immoral."

Once in Washington, however, Jarvis seemed to forget everything his past experience had taught him about politicians. He let Senator Alan Cranston shepherd him around, spoke at a breakfast hosted by Senator Robert Dole, the leader of the agricultural subsidy (i.e., high food prices) lobby in Congress, and spoke with great affability on the phone to Governor Jerry Brown. If Jarvis still thought all these desperate and hypocritical men—none of them notable friends of tax rebellion in the past—were evil and immoral, he kept his moral revulsion under tight control.

Sparked by the victory of Proposition 13, a number of other tax reduction measures have received increasing public attention. But behind all of them is the same strange spirit of "moderation"—one might call it expediency—absurdly out of phase with the feelings of indignant taxpayers. The highly publicized Kemp-Roth bill is touted by its supporters because, among other things, by reducing tax *rates,* it will lead to a net *increase* in tax revenues. Of the Steiger bill to lower the capital gains tax, the *Wall Street Journal* has said: "There is one simple reason. . . why Mr. Steiger has gained such impressive support. This is the growing consensus [that it] will actually result in an increase in government tax revenues." Meanwhile, on the state level, the National Tax Limitation Committee is proposing to limit taxes to their current proportion of personal income. The NTLC's plan, in other words, sanctions a steadily increasing amount of taxation, government spending, and state intrusion—the very system that provoked the tax revolt in the first place.

Thus the politicians, particularly the conservative ones, are proving to be predictably unresponsive to the public's mood. They are working on the basis of an old paradigm and refusing to take seriously the fact that, as Illinois State Representative Don Totter put it, "The people are up in arms. They're telling government to get out of their lives."

The timidity of the conservatives presents those of us who have been critics of American foreign and defense policy with a special opportunity. On the federal level, tax reduction of the magnitude that is being demanded will be impossible if the Pentagon's budget is looked on as sacrosanct. The Carter administration's budget for national defense in fiscal year 1979 is $126 billion; as Earl C. Ravenal has remarked [*INQUIRY*, May 1, 1978]: "If Congress accepts [this defense budget] and its underlying logic, it will have bought a long-term commitment to three percent annual real increases in defense spending"—amounting, by 1988, to $260 billion a year, and totaling, in the next decade, close to $2 *trillion*.

Whatever the fond hopes of conservatives, if justice is to be done to the new spirit of tax revolt, much more than a trimming of the fat in government will be required: There must be a redefinition of the functions of government. Just as local police forces will have to give up not only their shiny new electronic and mechanical gadgets—the "fat"—but also their narcotics and vice squads, so the federal government will have to cut out not only the few billions of obvious waste in the defense budget, but the immensely more expensive "essentials" entailed by the policy of worldwide meddling that we have followed for the past few decades.

On the night of June 6, when the great victory became evident, Howard Jarvis shouted into the microphones at his supporters gathered in the Biltmore in Los Angeles: "Now we know how it felt when they dumped English tea in Boston Harbor. We are seeing the beginning of a new American Revolution." Fine words, those, jubilantly cheered by the great American middle class. But the attention of the tax rebels should be drawn to a connection which, it may be, they are already beginning to perceive. The men and women who made the American Revolution also happened to cherish certain rather well-known principles in foreign affairs. The colonists believed that those noninterventionist

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principles—the very opposite of the policies pursued by the empire they had struggled against and vanquished—were prerequisites for the continuance of any government of low taxes and minimal power. American history since then has given us no reason to think they were wrong. ❑

The right to boycott

Blocking an avenue of change

WHEN ADVOCATES OF THE EQUAL Rights Amendment decided to step up their boycott of convention centers in and products from states that have not ratified the ERA, the attorneys general of Missouri and Nevada filed separate antitrust suits in federal court against the National Organization of Women.

The boycott by ERA proponents is aimed particularly at draining away conferences and annual gatherings from cities like Atlanta, Chicago, Kansas City, Las Vegas, Miami Beach, New Orleans, Phoenix, and St. Louis that are in states that have not ratified. NOW has been joined in the boycott by over 120 professional associations, labor unions, and citizen action groups.

Missouri Attorney General John Ashcroft charges NOW with conspiring with more than 90 groups to engage in an illegal secondary boycott that violates the Sherman Antitrust Act. He also charges violations of state antitrust law and intentional infliction of harm without justification. In a similar move, Nevada Attorney General Bob List has sought an injunction to put an end to the boycott.

Anyone who watches the twists and turns of the language used in politics cannot help noticing what is said by those opposed to the boycotts. They speak of force, coercion, hurting, injuring, threats, and extortion. The Missouri action charges NOW with making groups of Missourians "hostages."

NOW, it is suggested, is up to some pretty violent stuff in calling for a boycott. But as NOW President Eleanor Smeal points out, "All we have in the boycott effort is the tool of moral persuasion." Those who support the boycott "are voting with their dollars." All the press-conference metaphors and lawyer's-brief terms that hint that NOW is a kidnapper holding hostages, or a racketeer demanding protection money, are meant to persuade us without argument that ERA supporters should not have the right to dispose of their incomes as they wish.

The *St. Louis Post-Dispatch* rightly points out that a court decision in favor of Missouri would "infringe on a basic right of Americans to free speech, including advocacy of perfectly legal actions such as using whatever criteria a group wants in choosing its convention sites." Decisions to boycott are an "individual expression of liberty."

Boycotts are a time-honored, peaceful way to bring about change. The Montgomery, Alabama bus boycott launched the modern civil rights movement. Homosexuals (and supporters of their rights) are conductig a boycott of Florida citrus products and certain Miami firms in an effort to defend themselves against Anita Bryant's crusade to deny them equal protection of the law. Labor unions have in recent years boycotted grapes, lettuce, and textile goods. Feminist groups—especially those like Women Against Violence Against Women which, because of its principles, rejects government-imposed censorship—have turned to letter-writing and boycotts to get companies to stop the degrading portrayal of women in advertisements.

In the 1960s, the local branch of the NAACP in Port Gibson, Mississippi organized a boycott of discriminatory white businesses. As a consequence, the Mississippi state legislature passed a law outlawing boycotts and making boycotters liable for the resulting business losses. In 1976, the local courts found the NAACP guilty of putting together a boycott and responsible for $1.2 million in losses. Under state law, in order to appeal to a higher court, the NAACP had to post a $1.6 million bond. Failure to appeal would have bankrupted the NAACP at the national level. Although the bond was lowered, the appeal is pending, and the NAACP could still be forced to pay the white merchants.

If the approach of either the officials in Mississippi or those in Missouri and Nevada succeeds, another blow will have been struck against the right of Americans to participate in boycotts as a peaceful way of inducing change. ❑

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THOMAS SZASZ

The abortionist as fall guy

THE RECENT TRIAL OF Dr. William Waddill, the California obstetrician accused of strangling the supposedly live baby he delivered in the course of a saline abortion, has helped once more to dramatize the dilemmas of abortion. The contemporary arguments for and against abortion have been articulated ad nauseum. I shall not rehash them. Instead, I shall focus upon a very practical aspect of the abortion controversy that is persistently ignored in contemporary considerations of the problem. This glaring omission reveals a grave inconsistency on the part of the antiabortionists, rendering their moral position untenable.

The question of when the fetus becomes a "person"—at the moment of fertilization, at the time of quickening, after 28 weeks of gestation, at the time of delivery, or at some other point—is a matter on which biologists and ethicists may and do have honest differences of opinion. Regardless of such differences, however, I submit that abortion is always, and necessarily, an act of killing. The question, therefore, is: What sort of killing is it? Justifiable or not? If abortion is justifiable killing, as it is now considered to be (until an ambiguously late stage of pregnancy), then, of course, it falls outside the purview of the criminal law.

However, the antiabortionists assert that abortion is a species of unjustified killing that should therefore be prohibited and punished by the criminal law. If that is the basic premise on which their position rests, then that position is untenable. The reason is this. If abortion is the killing of a human being or "person," then it is surely the quintessence of first degree murder. What "murder" is more deliberately planned and executed than abortion? Furthermore, if abortion is murder, then its chief architect and beneficiary is clearly the pregnant woman, the abortionist playing merely the role of an accomplice. (The eminently possible development of an effective chemical abortifacient, which the pregnant woman could administer to herself, would make him superfluous.) Accordingly, criminal laws against abortion penalizing the abortionist but not his client are as absurd and immoral as would be criminal laws against premeditated murder penalizing hired assassins but not those who hire them. Yet all modern antiabortion laws are precisely of this type: They single out the physician for prosecution and punishment, closing their eyes to the complicity of the "patient" in the prohibited act. Therein lies the inconsistency of the antiabortionist: They advocate, and propose that the country reembrace, laws that define abortion as a crime and that treat the abortionist as the only "criminal" in the case.

The Waddill case illustrates the absurdities into which our inattention to such considerations have led us. The facts are as follows. In February 1977, Mary Weaver, an 18-year-old pregnant, unwed high-school senior, sought an abortion at the Huntington Beach Free Clinic. Her request was denied because she was judged to be 28 weeks pregnant. Ms. Weaver and her father, the principal of the high school she attended, then turned for help to Dr. William Waddill, an associate of her family doctor. Ms. Weaver told Dr. Waddill that she was 20 to 22 weeks pregnant. Her father also asked Dr. Waddill to abort the baby. On March 2, 1977, Dr. Waddill did a saline abortion as a result of which Ms. Weaver delivered a baby judged to be 31 weeks old.

The rest of the facts are disputed.

CAROL ROTAS

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Some witnesses claim that the baby had a heartbeat and was breathing, and that Dr. Waddill strangled it. Dr. Waddill claims that the baby was born dead. Dr. Waddill was indicted for murder. In May 1978, his three-month trial ended with a deadlocked jury and a mistrial. (On June 2, a California judge ordered that Dr. Waddill be retried, the new trial to begin November 27.) Ms. Weaver was never charged with any crime whatsoever. In fact, she is suing Dr. Waddill (and the hospital where the abortion was performed) for the modest sum of $17 million, charging "negligence, assault and battery, and wrongful death."

HERE IS EPITOMIZED THE hitherto repressed dimension of abortion. Clearly, Ms. Weaver is the moral agent primarily responsible for her abortion. Dr. Waddill performed the service for which he and Ms. Weaver had contracted, but is nevertheless sued by her. Inasmuch as Ms. Weaver had sought out Dr. Waddill to enlist his aid in killing the fetus and is now suing him partly for having deprived her of a live baby, her chances of winning her suit are probably quite good. I say that because there is a precedent now for settling medical tort litigation on such Alice-in-Wonderland principles of fairness and contract.

This precedent is the much-publicized case of Mr. Kenneth Donaldson. Donaldson, it should be recalled, was confined as an involuntary mental patient. Claiming to be a Christian Scientist, he asked his physicians to refrain from treating him with electroshock and drugs. The physicians honored his request. After Donaldson managed to obtain his release, he sued the hospital director for depriving him of his "right to treatment"—and, with the help of the American Civil Liberties Union, won an out-of-court settlement. In my critique of this case in *Psychiatric Slavery*, I compared Donaldson's legal posture to "that of a Catholic woman who refuses an abortion and then sues the doctors" for not aborting the fetus. In the Weaver case, the same argument is turned around 180 degrees: a woman requests an abortion and then sues for not having been delivered of a live infant.

Kenneth Donaldson's and Mary Weaver's suits are, of course, but two of the "symptoms" of the moral malignancy endemic to our age—that is, our refusal to treat patients and physicians as *equally* responsible moral agents. One might of course argue, with Oliver Wendell Holmes, that "The life of the law has not been logic; it has been experience." Unfortunately, that has been all too true. But can we, as members of a free society, afford even to debate a law whose life is the brazen illogic of punishing the accomplices to a crime, but not the masterminds who plan, contract for, and chiefly benefit from it?

The antiabortionists are irrefutably right in asserting that the fetus is alive, that pregnancy is not a disease, and that abortion is not a treatment. An abortion is the fulfillment of a contract—between a pregnant woman and an abortionist—for killing a fetus. The contract originates with the "patient" and is executed by the physician. In earlier times, women who deliberately aborted their babies were prosecuted and punished. However, by the end of the eighteenth century, laws decreeing the punishment of such women, like laws decreeing the punishment of suicides, were no longer enforced. American antiabortion laws were always aimed against the "illegal abortionist," not against the woman who sought his services.*

No one would deny that the moral agent motivating the act of abortion is the pregnant woman. If that act is deemed unjustified and is declared illegal, then it follows that the main culprit is the pregnant woman. At the same time, it is abundantly clear that most people in modern Western societies—even those passionately opposed to abortion—are unwilling to punish the person most responsible for it. I submit, therefore, that until such time as the American people are willing to have the state prosecute and punish women who have, with premeditation, contracted for the violation of antiabortion laws, such laws will continue to diminish rather than increase the human dignity which proabortionists and antiabortionists alike supposedly cherish. ❏

**The history of the status of abortion in Catholic theology and of the sanctions against it in ecclesiastic law is exceedingly complex. The act was most severely punished by the bull* Effraenatam *of Pope Sixtus V, issued on October 29, 1588. It decreed that all abortion be treated as murder, and it explicitly included the pregnant woman as a party sharing fully in the guilt for the act. However, few women guilty of abortion were so treated. The effort to control abortion by means of the criminal law began only in the nineteenth century. In practice, antiabortion laws, like the antiprostitution and antialcohol laws that followed them, singled out the sellers for prosecution and punishment, treating the buyers as if they were the innocent "victims" of an irresistible temptation to purchase an overwhelmingly desirable, albeit forbidden, service or product.*

CHRISTOPHER H. PYLE

Gutting the Fourth Amendment

AFTER YEARS OF DEBATE, Congress is about to enact a law to curb the wiretapping and bugging abuses of American intelligence agencies. The Foreign Intelligence Surveillance Act of 1978, which swept through the Senate 95–1, is scheduled for a House vote in July and seems almost certain to become law before Congress adjourns.

In some respects the bill is a distinct improvement over existing "law," and it may well be the strongest legislation civil libertarians are likely to get. Constitutionally, however, it is an abomination.

As the bill stands now, all parties to its negotiation—the executive branch, Congress, and civil libertarian groups—have won substantial victories. However, it is the intelligence agencies that have scored the greatest triumph. No longer will they have to lie about their electronic snooping or make outrageous claims of "inherent power." The measure before the House would legitimize most of the eavesdropping they have felt compelled to conceal for more than 40 years.

Civil libertarians, who were led in the fight over this legislation by the ACLU and the Center for National Security Studies, have some grounds for satisfaction. Henceforth, all wiretaps and bugs for intelligence purposes within the United States must be authorized by a judge. Where "U. S. persons" (citizens and resident aliens) are prospective targets, mere curiosity no longer will be enough. The government will have to persuade a judge that it has

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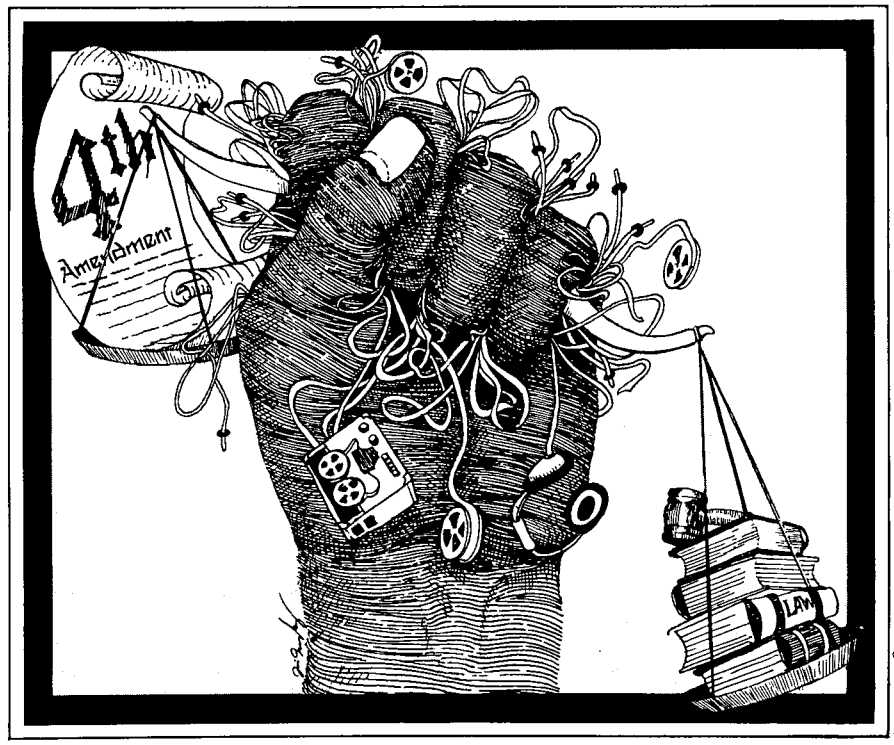
reason to believe some sort of criminal activity is afoot. Foreign embassies and visiting trade delegations can still be tapped and bugged for positive intelligence (such as negotiating positions), but the privacy of U. S. persons, located in the United States, will be secure from Uncle Sam's electronic ears, unless there is reason to believe that those persons are involved in espionage, sabotage, terrorism, or other unlawful, clandestine intelligence activity.

Civil libertarians fought hard for this "criminal standard." In the end they won, not by rhetorical appeals to liberty, but by showing that the FBI did not need the sweeping powers it demanded. The bureau, for its part, failed to dredge up a single instance in which a pure intelligence tap or bug (one installed without reason to believe that a crime, such as espionage, was underway) had uncovered a foreign spy ring, and the hypothetical horribles it did conjure up to frighten Congress were easily debunked.

Civil libertarians also succeeded in narrowing the bill's definition of an "agent of a foreign power." Every law firm and advertising agency with foreign clients should rest easier now, for the bill protects the privacy of their domestic telephone calls and offices from government eavesdropping, unless there is reason to believe that they are knowing agents of a foreign intelligence service engaged in criminal activity.

The bill requires the government to "minimize" its retention and use of political and private information incidentally overheard on a foreign intelligence listening device. The bill even forces the supersecret National Security Agency, which routinely plucks hundreds of thousands of microwave telephone calls from the skies, to destroy the contents of all domestic U.S. calls on recognition, unless the information is needed to protect someone's life.

CONGRESS, TOO, CAN CLAIM victory. Language that might recognize an inherent presidential power to engage in warrantless wiretapping and bugging in national security cases has been struck from the bill. The new wiretap bill would constitute the "exclusive means" by which electronic surveillance for counterintelligence and positive intelligence purposes within the United States may be authorized. Any future President who ignores its restrictions will do so at his own peril. The Supreme Court is almost certain to hold that Congress has "occupied the field," abolishing whatever inherent authority the President may have had in the absence of legislation.



These substantial gains, however, come at a price. The wiretap bill, like the 1968 wiretap act and the Burger Court's recent search and seizure decisions, will substantially undermine cherished Fourth Amendment rights. The Fourth Amendment, it will be recalled, has two distinct clauses. One proclaims the right of "the people" to be free from "unreasonable searches and seizures." The other provides that "no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

From all the ballyhoo, one might think that the wiretap bill is intended to reaffirm the warrant clause of the Fourth Amendment. Nothing could be further from the truth. The bill's drafters have rejected two centuries of settled jurisprudence to create a new breed of pseudowarrants based entirely on the first clause of the amendment.

The standard for issuing these "warrants" would not be the traditional test of probable cause; it would be mere "reasonableness"—that slippery and subjective test by which the ends of a surveillance can be used to forgive the means. Thus, to breach the privacy of a citizen or resident alien suspected of "clandestine intelligence activities," the government must only show that those activities "*may* involve a violation of the criminal statutes of the United States." "May involve," of course, is a highly speculative test that calls for much less concrete information than probable cause, which requires proof that a crime has been, or is about to be, committed.

The wiretap bill also would erode the traditional independence of the judiciary. The judge who receives an application for one of these pseudowarrants is forbidden to follow traditional procedure and decide for himself whether the government really needs the surveillance, and whether society needs such surveillances more than it needs the privacy they violate. He must accept the government's certificate that the surveillance is needed to collect "foreign intelligence information" unless he finds that the certificate is "clearly erroneous." In effect, the "clearly erroneous" standard puts a statutory thumb on the scales of justice. It commands the judge to defer to the good faith and sound judgment of the intelligence chiefs—the men who have replaced John Mitchell, J. Edgar Hoover, and Richard Helms.

The bill also seeks to reduce the risk of judicial skepticism by creating the first "national security court" in the nation's history. Eleven district court judges, each picked by the Chief Justice of the United States, would be the only jurists authorized to receive applications for these pseudowarrants. The

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ostensible reason for limiting the number of judges to 11 was security, but the reason for having Warren Burger choose them was strictly political. The Justice Department feared that a skeptic or two might get on the court if the customary process of selection by the chief judges of each circuit was prescribed.

THE BILL WOULD ALSO undermine the privacy guaranteed by the first clause of the Fourth Amendment to visiting foreigners. As that clause clearly states, the right to be free from unreasonable searches and seizures belongs to "the people"—not just to citizens and resident aliens. The founding fathers phrased that right in universal terms because they considered it to be a fundamental human right, a right which preceded the creation of governments, came from God or nature, and could not legitimately be abridged by governments.

The Justice Department thinks otherwise. President Ford's attorney general, Edward H. Levi, originally took the position that visiting foreigners were not "people" within the meaning of the Fourth Amendment. When it was pointed out that Levi's theory would make all foreign visitors Fourth Amendment "outlaws," vulnerable to government searches at will, the Carter administration retreated to an Orwellian double standard—all people are equal, but some are more equal than others.

This double standard now pervades the bill. Where the privacy of a "U. S. person" is threatened, the judge can look behind the government's claim of need to make sure that it is not "clearly erroneous." But if only the privacy of a foreign visitor is at stake, the judge may not look. He must accept the government's claim without question and reach for his rubber stamp.

As already noted, the bill contains "minimization" procedures requiring the destruction of intimate personal information incidentally overheard on a foreign intelligence tap or bug. Unfortunately, these protections would not apply to foreign visitors. The executive branch would remain free to use extraneous information about them to destroy their reputations, to blackmail them into spying for the United States, and to facilitate their assassination at the hands of a foreign intelligence service.

The bill's double standard for foreigners even erodes their freedom of speech. No U. S. person can be put under surveillance for his lawful advocacy on behalf of a foreign power, but the same advocacy by a visiting foreigner can be labeled "clandestine intelligence activity" and made the basis for a foreign intelligence tap or bug. No crime need even be suspected. Asked why the bill's "criminal standard" for warrants was not extended to foreign visitors, a congressional aide replied, "Foreigners don't vote." So much for the Carter administration's stand on human rights in the United States.

The wiretap bill also adopts a double standard of liberty for Americans by limiting its protections solely to persons located in the United States. Military intelligence and the CIA would remain free to engage in warrantless electronic surveillance of Americans overseas, and the National Security Agency could still monitor the overseas telecommunications of American companies, thereby enabling the CIA and the President to torpedo international business deals of which they do not approve.

For most legislators, the Constitution is a mere patriotic symbol, like the flag, to be saluted and then ignored.

*THERE ARE OTHER DE-*fects in the bill as well. Judges may be compelled to approve burglaries of foreign embassies to install listening devices in violation of international law, and American landlords can be jailed for refusing to obey court orders commanding them to risk their lives to help the FBI spy on tenants suspected of terrorism.

The bill's worst defects, however, are the assumptions it makes about the Fourth Amendment. In the short run, these assumptions will limit the ability of congressional reformers to curb the intelligence community's use of informants, mail openings, and other surreptitious surveillance techniques. In the long run, they may result in destroying safeguards against domestic intelligence and law enforcement surveillance now thought to be required by the warrant clause.

Gutting the Fourth Amendment is the name of the game. The intelligence agencies are not backing this bill out of altruism; they support it because the Justice Department has devised a constitutional strategy that will give them all the surveillance powers they want. That strategy is to persuade both Congress and the courts to adopt a restrictive view of the Fourth Amendment, one that confines application of the warrant clause to old-fashioned physical searches, but frees electronic surveillance and informants to operate under the less exacting standard of mere "reasonableness." Winning this point is crucial for the Justice Department and the Carter administration, for only then will the intelligence agencies be free to engage in surreptitious surveillance unrestrained by the need to demonstrate probable cause before an independent judiciary.

Congressional resistance to this strategy has been virtually nonexistent. There are many liberals in Congress, but few civil libertarians or constitutionalists. To most legislators—and New Deal liberals are no exception—the Constitution is not a set of fundamental principles regulating what may be bought or sold in the political marketplace. It is a mere patriotic symbol, like the flag, to be saluted, milked for rhetorical advantage, and then ignored. Many pretend that it is the property of the courts, to be applied only after the bargaining is over. A few members of Congress, sensitive to the impact which legislative interpretations can have on judicial doctrine, might have held out for warrant-clause standards to govern intelligence taps and bugs, but they saw what the Supreme Court has been doing to the Fourth Amendment and decided that the cause was hopeless.

The Court's erosion of the warrant clause began in 1967, when the justices ruled that searches could be conducted for any kind of evidence, not just stolen or smuggled goods, contraband, or the instrumentalities of a crime. This cleared the way for the 1968 Crime

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Control and Safe Streets Act, which authorized wiretapping pursuant to warrants that did not specify precisely what was to be seized. In 1969, the Court ruled that public health and safety inspectors who are denied permission to search a home or business must come back with a note from a judge. On its face, this procedure would seem to protect privacy by assuring the occupant that the bearer is authorized to conduct an inspection for which probable cause is not required. Unfortunately, Justice White labeled these informal notes "warrants," thereby undermining the historic meaning of that term and creating the impression, instantly seized upon by the proponents of pseudowarrants for counterspies, that warrants based on less than probable cause might be constitutional.

PROBABLE CAUSE WAS further undermined in 1972 when the Supreme Court hinted, in the *Keith* case, that it might be willing to accept watered-down warrants for domestic intelligence taps and bugs. Since then, the Court has let stand two lower court decisions holding that the President has an "inherent power" to ignore the warrant clause whenever he wants to tap or bug someone he thinks might be a foreign agent. One of these cases, *Butenko* v. *United States*, involved a United States citizen whose right to full Fourth Amendment protection could not be doubted. But, because Butenko was suspected of espionage, the court of appeals claimed the power to "relax" the Fourth Amendment and deny him the protections of its warrant clause. No prior judicial authorization is necessary in an espionage case, the court blandly asserted, because the trial judge can subsequently review the reasonableness of the search.

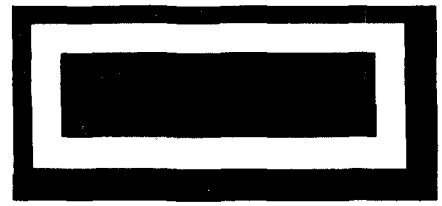
This opinion, which the Supreme Court has allowed to stand, means that the FBI can decide for itself who to tap or bug on suspicion of espionage, even though the 1968 wiretap act clearly states that prior judicial authorization must be obtained. Where espionage is suspected, the "inherent power" of the President is said to override the right of all people to the protection of the warrant procedure. Persons wrongly suspected by the FBI are out of luck; the only people who can protest the FBI's invasion of their privacy are the persons the Justice Department chooses to prosecute, and they must protest to a judge who knows that the surveillance produced evidence of their guilt.

Broader trends in recent Supreme Court decisions have been even more disquieting. In case after case, the conservative majority has returned to the philosophy of the Vinson Court of the 1940s, when the government did not have to satisfy all the requirements of the warrant clause, provided that it could show that its search was "reasonable" in light of "the totality of the circumstances." This approach was overruled by the Warren Court, because it employed no certain tests of what was reasonable, permitted the fruits of the search to sweeten foul means, and loaded the scales of justice heavily against the individual. The surveillance agencies have been angry ever since, and now two former Justice Department officials, Justices Rehnquist and White, are leading the Court back to that discredited jurisprudence, under which the government nearly always won.

It is this reality that puts the civil libertarians who worked on the wiretap bill between a rock and a hard place. Constitutionally, they find pseudowarrants, supine courts, and Orwellian double standards abhorrent. Yet, if they kill this bill as a matter of principle, it will be years before more intelligence scandals again create the climate for reform.

In the meantime, warrantless wiretapping will continue under President Carter's executive order. Worse, the Supreme Court might take note of Congress's failure to enact legislation and decide to resolve the issue itself. Some observers believe that the Truong-Humphreys spy case, in which warrantless wiretapping was upheld on the authority of *Butenko*, was manufactured by the Justice Department precisely to create that possibility. It is an ominous prospect, because even if the Court rules that Congress can still enact restrictive legislation, the political impact of a decision upholding inherent power in the surveillance field would be to take the steam out of intelligence reform.

And this is the great tragedy for civil libertarians. The time is gone when they could say of a bad bill: kill it; we will take our chances in the Court. The Court has been packed. Anything Justice White and the Nixon Four produce will be less protective of individual liberty than the wiretap bill. The only avenue for intelligence agency reform lies in Congress; there the partisans of liberty must stand and fight. ❑



ROBERT A. MANNING and STEPHEN TALBOT

Swallowing Carter's Zaire line

FOR SEVERAL WEEKS IN MAY, the headlines in the American press read like a South African tabloid. "Communist-backed rebels invade Shaba," screamed the *New York Times,* the *San Francisco Chronicle,* and most papers in between. The initial avalanche of news was a macabre blend of Evelyn Waugh's *Scoop,* Cold War rhetoric, and *Heart of Darkness* stereotypes. Grandfatherly Walter Cronkite solemnly informed us that the "worst fears" had been confirmed: black rebels had killed whites. *Time* and *Newsweek* ran gruesome color photos. And Zaire's President Mobutu Sese Seko and President Jimmy Carter drove home the message that Cuba, Angola, and the Soviet Union were ultimately to blame for the invasion.

For the Carter administration, the Shaba affair provided the first opportunity for direct intervention overseas since the Indochina war. It became a catalyst for a major shift in Carter's foreign policy toward a more aggressive anti-Soviet posture. Veteran pundit Joseph Harsch wrote in the *Christian Science Monitor,* "This is what it was like—in the opening phase of the Cold War."

The full story of the Shaba invasion remains shrouded in a haze of uncertainty. But by now we do know some important facts that were obscured, distorted, or buried by the American media and the Carter administration.

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First, the barrage of reports about a "white bloodbath" of at least 200 Europeans was exaggerated and in certain cases politically motivated. *Realpolitik* and racism focused attention on white deaths, ignoring or playing down the black casualty figures, which were at least two to three times as high. And it is now clear that Zaire's notoriously undisciplined troops were responsible for at least some of the killings initially blamed solely on the rebels.

"In retrospect," acknowledged David Ottaway of the *Washington Post,* "it seems some of the initial reports from French and Zairian sources of whites being massacred were deliberately exaggerated to gain quick Western public sympathy for the French-Belgian rescue mission . . ." Ottaway, who had earlier reported a systematic killing of whites by the rebels, was the only American correspondent in Zaire to try to correct the first, false impression he had helped to create. On May 28, he wrote a long article, "Zaire Death Toll Reports Exaggerated," saying that the Red Cross had been able to confirm only 262 deaths, not 1000, and that 95 were Europeans, not 200 or more. He added that a Belgian medical team was able to count no more than 64 European bodies.

Considering that the callous slaughter last November of hundreds of black refugees by Rhodesian troops at Chimoio, Mozambique, and the recent terror strike by South Africa 155 miles into Angola killing some 580 Namibian refugees did not generate the banner headlines accorded the Kolwezi killings, one wonders how many African deaths equal one European in the minds of American editors.

ERKKI ALANEN

Second, President Carter's charges that "the Cubans have played a key role in training and equipping the Katangans" have not been substantiated by sufficient evidence to convince the chairman of the Senate Foreign Relations Committee, Senator John Sparkman (D.-Ala.), or committee members George McGovern, Dick Clark, and Frank Church. Sparkman called the evidence presented by CIA Director Stansfield Turner "circumstantial" and "by no means conclusive." The Cubans, of course, have categorically denied any responsibility for the Shaba rebellion.

The senators are not the only people in Washington who doubt President Carter's charges of Cuban involvement in the raid. The *Christian Science Monitor* and the *New York Times* both reported that even some administration officials, including intelligence officials, say there is no solid evidence. The intelligence reports, they argue, can "easily be read two different ways" and the "reliability of many of the informants" is questionable. *Newsweek* reported that the allegations of Cuban involvement are based in part on French intelligence which came from agents of UNITA, the South African–backed rebels in Angola—a highly biased source.

Turner says the information came from prisoners, diplomats, the Zaire government, and "neighboring countries." But even Turner qualified his conclusion that Cubans recently trained and equipped the Zaire rebels, saying that "no intelligence is ever absolutely black and absolutely white."

IT IS TRUE THAT THE CUBANS worked with the Shaba guerrillas during the 1975–1976 Angolan war. The Shaba forces—descended from the Katangese gendarmes who were driven into exile in eastern Angola when Moise Tshombe's secessionist revolt collapsed in the early 1960s—helped the leftist MPLA fight the pro-Western FNLA. The Shaba exiles saw the FNLA as an extension of their arch-enemy, Mobutu, because FNLA leader Holden Roberto is married to Mobutu's sister-in-law and is the Zairian leader's political protégé.

Last year, when the Shaba rebels—who call themselves the Congolese National Liberation Front (FNLC)—returned to their home province to fight the Zaire army, Mobutu immediately charged that the Cubans had put them up to it after arming and training them. The Carter

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administration, however, stated repeatedly that there was "no hard evidence" to support Mobutu's claim.

That was last year—before the Soviet Union poured up to $1 billion in military aid into Ethiopia and Cuba sent in an estimated 17,000 troops. The political climate in Washington has changed drastically. This year, when the Shaba rebels struck again, Carter's national security adviser, Zbigniew Brzezinski, asserted immediately that Cuba was "politically and morally responsible."

For months, Brzezinski had been looking for some opening to challenge Soviet and Cuban intervention in Africa. He had wanted the United States to get involved in the Horn of Africa but was frustrated by the fact that Moscow and Havana were defending Ethiopia against an aggressor nation, which had violated a border recognized by the Organization of African Unity. In a major profile of Brzezinski published in the *New Yorker*, Elizabeth Drew said administration officials told her that Brzezinski wanted to "cause trouble" for Angolan President Agostinho Neto and his Cuban allies, perhaps by renewing CIA support to Jonas Savimbi's antigovernment UNITA rebels.

In addition, the *Washington Post* reported May 19 that "White House strategists for at least two months have attempted to develop a plan to permit the United States to funnel sophisticated arms and funds clandestinely to African guerrilla forces fighting Soviet-backed Cuban troops in Angola and Ethiopia." And on June 1, Seymour Hersh of the *New York Times* reported that the CIA—in a covert operation approved last fall—organized an anti-Cuban propaganda operation in the Horn during intensified fighting between Ethiopia and Eritrean guerrillas.

The Carter administration's tough new line on Soviet and Cuban involvement in Africa—and even some covert moves to counter it—predated the Shaba fighting. What the Shaba crisis did was to give the administration its first opportunity to demonstrate U.S. willingness to intervene in Africa and to openly seek the loosening of congressional restrictions on presidential power. All of this was just what Brzezenski had been urging for months—often against the wishes of many in the State Department who advocated a more low-keyed approach, relying on diplomatic initiatives and aid and economic ties to build U.S. influence in black Africa.

When critics questioned saving Mobutu, officials said: "He's an S.O.B., but he's our S.O.B."

*THE SHABA AFFAIR PERMIT*ted Washington not only its first direct overseas military intervention since Vietnam, but a concerted effort with NATO allies as well. Carter immediately dispatched $17.5 million in military aid to Kinshasa, provided $2.5 million to train high-ranking Zaire army officers in the United States, and placed elements of the 82nd Airborne Division at Fort Bragg, North Carolina, on full alert. The United States provided fuel, equipment, and logistical support for the French and Belgian paratroopers, and then ferried in their replacements—1500 Moroccans and token forces from other former French colonies such as Gabon and Senegal. The Pentagon said 325 U.S. military personnel and 17 C-141 "Starlifter" military transport planes were involved.

What the Carter administration did not explain—and what the media did not immediately seize upon—was why the United States was so eager to intervene on behalf of Mobutu Sese Seko, a leader who rivals Idi Amin in corruption, brutality, and ruthlessness. When critics did raise this question they met with a standard administration response, echoed in most of the American media: "Sure, Mobutu's an S.O.B., but he's our S.O.B. and we don't have an acceptable alternative to him." Not everyone accepted this logic. Tanzania's President Julius Nyerere, in a clear reference to Zaire, told a press conference in Dar es Salaam that he rejected the principle that external powers had a right to prop up African regimes universally recognized as "corrupt or incompetent or a bunch of murderers."

A few background stories in the American press discussed Mobutu's rise to power and his role as a strategic U.S. ally in central Africa, but no account was as forthcoming as a lengthy portrait of Mobutu in the *Sunday Times* (London), entitled "The West's dubious ally." Citing the CIA's well-documented role in installing Mobutu in 1965 as leader of the Congo (now Zaire), the *Times* noted that now in the West "there is amazement at the economic and political mismanagement that have reduced . . . [Zaire], with its almost unlimited agricultural and mineral potential, to a land of wretched, grinding poverty." The *Times* reported that Mobutu—who was Henry Kissinger's favorite black African ally—has grown increasingly arrogant and suspicious, recruiting his advisers and military officers almost exclusively from his home province, Equateur, and purging anyone who seems to be emerging as a possible rival. "Every one of the 14 officers with whom he staged his 1965 coup have been killed, jailed, or sent into effective exile," the *Times* said.

One of those purged by Mobutu is Albert Ndele, governor of the Central Bank of Zaire from 1961 to 1970 and currently a Ph.D. candidate in economics at Yale. During this year's invasion, Ndele broke his long silence to accuse Mobutu of squandering public funds (including $6 million for a small Mercedes assembly line for his wife) and wrecking Zaire's economy. "There is unbelievable poverty and misery in my country," Ndele told the *Times*. "A recent report says there is 70 percent infant mortality in Kinshasa. An aspirin tablet is sold on the black market at incredible prices. Even the medicines given by charity are sold to the people—by Mobutu's family."

Once a net exporter of food, Zaire now spends $300 million a year importing food—much of it from South Africa and Rhodesia. Inflation is running at 80 percent, and a sack of manioc to feed a family of four for a month now costs an urban worker nearly his entire monthly wage. A confidential 1975 World Bank report states: "About one-third of the rural population suffer from deficiencies in caloric intake; and more seriously, a grave shortage of protein is characteristic of most of the population of the country."

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THE NATION'S ECONOMIC plight and the concentration of wealth within a tiny government-sponsored elite has caused widespread discontent among Zaire's 25 million people. For years, a guerrilla movement descended from the late Patrice Lumumba's forces has been active in eastern Zaire. While the FNLC rebels were fighting in Shaba, another of Zaire's half-dozen opposition groups claimed to have attacked army camps in northeastern Zaire. Last January, Mobutu ordered the brutal repression of a popular uprising in Bandundu province, east of Kinshasa. Hundreds of civilians were killed. No whites were involved, and the rebellion was scarcely mentioned in the Western press. Such developments underscore the fact that with or without Cuban help, a burgeoning—if diverse and disparate—opposition has emerged, spawned by the harsh conditions of Mobutu's rule.

For the West, Mobutu's sole remaining virtue after 13 years of misrule is his staying power. But even that is now in question. "There is no American national interest in the survival of the Mobutu regime," the *New York Times* editorialized. And the *Christian Science Monitor*—while supporting the Western intervention in Zaire—stated bluntly: "the stark fact which needs to be faced now is that Mobutu is a corrupt, inefficient President who appears to have outlived his usefulness as a national leader. Either he must pull himself and his country together or he will open himself to a Marxist-led insurgency. What does the West do?"

For now, the West's answer is to give Mobutu one more chance, but to tighten Western control over his economy, administration, and defense. At closed-door conferences in Paris and Brussels in June, the United States and its Western allies agreed to bail out Mobutu with $100 million in the next three months, to provide foreign troops to guard the copper and cobalt mines in Shaba, and to consider pumping $1 billion into Zaire over the next two years—but only on the condition that Mobutu accept Western "counselors" in key decision-making posts throughout his government. The Belgians announced at the Brussels conference that Zaire's delegation had agreed to placement of International Monetary Fund (IMF) "overseers" in the central bank and the Finance Ministry. A Western official told the *Washington Post* the unprecedented measures were tantamount to making Mobutu "a ward of court."

While the West has coalesced behind this plan, there are already strains. Brussels is worried that the French—so quick to intervene in Shaba—want to replace Belgium as the dominant Western power in Zaire. There is no doubt that President Giscard d'Estaing—while proclaiming a policy of "Africa for the Africans"—has an eye on Zaire's minerals. France has cultivated close ties to several central African countries, including Gabon, the Central African Empire, and Zaire, all of whom have uranium vital to Giscard's ambitious nuclear energy plans.

In the short run, Western intervention, with all its *beau geste* bravado, has been a tonic for the United States and its NATO allies. Carter acted tough and regained five percentage points in the polls. But Western intervention has also polarized Africa—with the conservative, former French countries enthusiastically welcoming it, and the rest of Africa, from Nigeria to Mozambique, reacting with suspicion or outright hostility. Not one former English colony was willing to join the "Pan-African" army to protect Mobutu.

From his early stated intention of forging a credible long-range Africa policy based on African realities, Carter has turned to the Brzezinski view of Africa as a Cold War battleground, an arena to joust with the Soviets. The peculiarities of the Zaire situation were overshadowed by Carter's desire to challenge Moscow. In the process, Carter may have been trying to outflank his right-wing critics who have hounded him on a host of issues from the Panama Canal treaties to SALT II. He has also begun what may amount to a reassertion of the imperial presidency, calling into question congressional checks on executive power. Shaba may not have been Jimmy Carter's Gulf of Tonkin, but it has set a dangerous precedent: U.S. intervention has been born again.

Forthcoming in

INQUIRY

- *Nicholas von Hoffman on the Laetrile controversy*
- *Penny Lernoux on Brazil and the rise of fascism in Latin America*
- *Barton J. Bernstein on the unhappy history of nuclear arms talks*

With this issue, INQUIRY shifts to its summer publishing schedule. The next issue will be dated August 21.

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QUICK STRIKE

By Jan Austin & Banning Garrett

PRESIDENT CARTER HAS ORDERED THE PENTAGON TO SET UP A THREE-DIVISION, HIGHLY MOBILE FORCE. WHY?

IN A SECRET FIVE-PAGE ORDER issued last August, President Carter directed the Pentagon to form a rapid reaction mobile force for quick strikes in Third World crisis spots, primarily the Persian Gulf. The order, which sets overall guidelines for U. S. defense policy, is known as Presidential Directive 18. The Pentagon still has not given out any details about the mobile strike force, but from press leaks and interviews with informed military analysts, the following picture emerges: the strike force will consist of about 100,000 troops, including two army airborne divisions and a marine amphibious force. In addition, the Pentagon has been directed to beef up its strategic airlift and sealift capacity so that it can quickly transport these forces to a potential combat zone. The strike force will apparently be backed up by two to four aircraft carrier task forces and by up to three air force air wings, totaling about 200 planes.

American interest in ensuring Western access to Persian Gulf oil is nothing new, but in the 1970s that task has become vastly more complicated and dangerous. Since 1970, U. S. dependence on Gulf oil has increased sharply. At the same time, the 1973 oil embargo and the quadrupling of oil prices have dramatized the vulnerability of Western oil supplies to economic and political decisions of the 13-member Organization of Petroleum Exporting Countries (OPEC). Energy scenarios for the coming decade vary widely, but the Carter administration predicts that there will be an energy crisis in the 1980s, leading to even more acute concern over access to Persian Gulf supplies. One of the chief documents supporting the administration's assessment is a CIA study prepared last year. The study, which energy experts hotly debate, predicts that world energy demand will outstrip supply by 1985. It also assumes that the Soviet Union will become a net oil importer by 1985, joining the world scramble for Persian Gulf supplies. Although this assessment of Soviet demand is widely challenged—reportedly even by Secretary of Energy James Schlesinger himself—it is frequently cited by those who argue that the United States must expect Soviet thrusts in the Persian Gulf and be prepared to counter them.

The Carter administration's new focus on the Persian Gulf and its decision to prepare a large mobile strike force for possible direct intervention there and elsewhere represent major departures in U. S. planning. But these policies have received virtually no attention or questioning outside military circles. Staff members of key congressional committees say they have received no details of the Pentagon's plans. No congressional hearings have been held on the subject. Yet the administration's plans raise a number of serious and, as yet, unanswered questions.

The most obvious question, but one which the Carter administration has not satisfactorily answered, concerns the targets of American military actions. Against whom is the United States preparing to intervene in the Persian Gulf?

One possibility, widely debated in 1974–1975, is that the United States would seize the Arab oil fields, not from Soviet invaders, but from the conservative producers like Saudi Arabia. After the Arab oil embargo, a spate of articles appeared in the American media discussing—and even advocating—the use of U. S. military force to take over Arab oil fields to prevent further OPEC price increases. Secretary of State Henry Kissinger lent official credibility to the idea when he told *Business Week* in January 1975 that "although it would be considered only in the gravest emergency," he could not rule out the use of military force against oil producers.

These discussions drew concerned and angry reactions from European nations, especially West Germany, from moderate Arab governments with

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whom the United States was trying to strengthen relations, and even from the American public. A Gallup poll showed that only one American in 10 favored intervention in the Middle East—even in the event of a new Arab oil embargo. Since then, seizing the oil fields from the Arabs has been a less popular topic of public discussion, but it can be reasonably assumed that American planning for intervention in the Persian Gulf still includes this contingency.

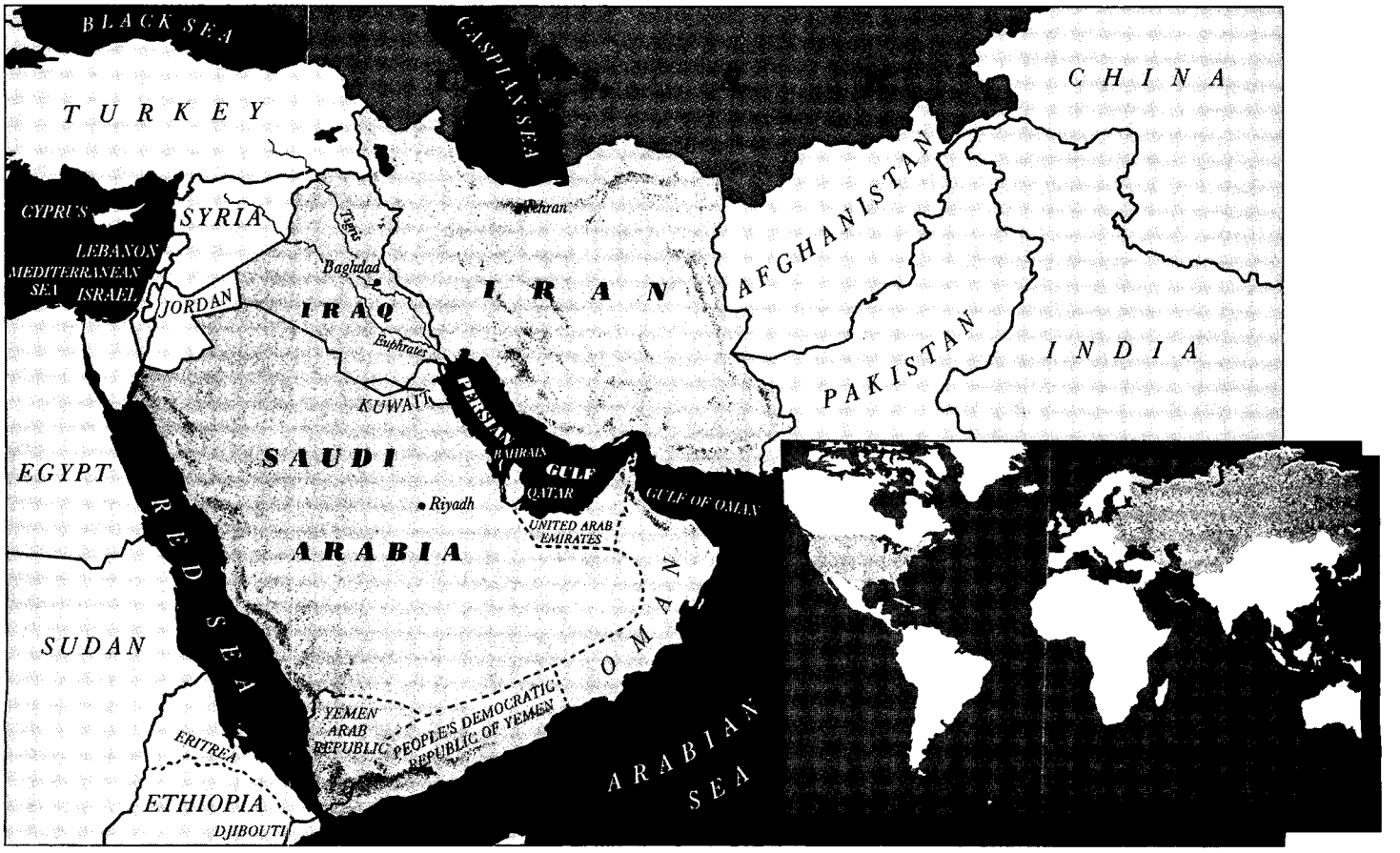
TODAY, OFFICIALS PORtray American military intervention in the Persian Gulf as a necessary option in the event of a direct Soviet threat to the region. The exact nature of that threat is often left vague or presented in simple but graphic images of Soviet seizure of oil fields or a Soviet attack on tankers in the sea lanes leading from the Red Sea or Persian Gulf.

Yet a direct Soviet threat to the oil fields or to the sea lanes seems one of the least likely of all potential conflict scenarios for the Persian Gulf. A Soviet attempt to sever the lifeline of NATO and Japan would be a major act of war—quite possibly the opening shot in World War III. Alternatively, it could be a secondary action taken in the midst of a world war to deprive the Western allies of energy needed to fuel their forces. But this presumes a drawn-out, World War II-style conflict, which is difficult to imagine in this nuclear age. If the Soviet goal were to acquire Persian Gulf oil for its own needs, destroying the oil fields—or even an action that would risk destroying them—would seem counterproductive.

It may well be that American military planners do not really anticipate a direct Soviet attack and are more concerned that failing to counter Soviet *capabilities* would be perceived by friend and foe alike as a sign of U. S. weakness. According to this analysis, a perception of American weakness would lead Persian Gulf countries to be more accommodating to Soviet energy needs, if indeed Moscow were to require large amounts of Persian Gulf oil in the coming decade. In this analysis, the Soviet threat is political, not military, and is a challenge to the West's special access to Persian Gulf oil. American planners may believe that creating a mobile strike force will enhance U. S. credibility and deter both the Soviets and the major producing states from entering into a special political and security relationship such as the United States now enjoys with Saudi Arabia.

Far more likely than either of these scenarios would be United States intervention in the Persian Gulf to protect a key ally, like the shah of Iran or the Saudi royal family, from a radical internal or external threat. Such a radical challenge might well have the backing of the Soviets—either directly or indirectly through a Soviet ally in the region. The success of Cuban forces and Soviet aid in assuring the MPLA's victory over pro-Western factions in Angola and Ethiopia's victory in the Ogaden desert have heightened fears in Washington of a similar situation in the Persian Gulf.

The United States has no formal defense treaty with Iran. However, in a toast during the shah's visit to Washington last November, President Carter assured the visiting monarch that "our military alliance is unshakeable. . . . We look upon Iran's strength as an extension of our own strength and Iran looks upon our strength as an extension of theirs." The exact scope and nature of this commitment is unclear. American officials have stated that Washington has a "tacit obligation" to come to the aid of Iran if it is attacked by the



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Soviet Union. But is the United States committed to defend the shah if he should intervene against a radical neighbor like Iraq or attempt to prevent a radical triumph in a country like Kuwait? A Senate report, issued by Senator Henry Jackson's (D.-Wash.) Energy and Natural Resources Committee last December, hints at such an obligation: "If Iran is called upon to intervene in the internal affairs of any Gulf state," it says, "it must be recognized in advance by the United States that this is the role for which Iran is being primed and blame cannot be assigned for Iran's carrying out an implied assignment." It is also uncertain whether the United States has committed itself to defending the shah against his internal opponents. Although the shah seems firmly entrenched in power, his dictatorial rule has recently been challenged by radical leftists, conservative Moslems, and non-Persian minorities. Would the United States intervene to protect the shah against his own people?

Whether American leaders have obligated themselves to come to the shah's aid, the fact that the United States is supplying Iran with sophisticated weapons systems could automatically involve Washington in any serious Iranian military adventure. A major congressional study on U. S. military sales to Iran, published in July 1976, concluded that it is unlikely that Iran could go to war in the next 5 to 10 years, using its sophisticated arms, "without U. S. support on a day-to-day basis." The study also noted that for political reasons it would be extremely difficult for the United States to cut off military support to the shah in the midst of a crisis.

The royal family of Saudi Arabia also looks directly to the United States to guarantee its security. Its dependence on American military power is increased by its own unwillingness to create a strong Saudi military force for fear that it might ultimately threaten the regime. It has been suggested that the primary reason for Saudi Arabia's large purchases of American arms is a desire to involve the United States heavily in Saudi military planning and guarantee that it will come to the regime's defense. The American commitment to defend Saudi Arabia—which is nowhere written down—is the bedrock upon which the two nations have built their relationship.

In the years since the Arab oil embargo, Saudi Arabia has assumed an increasingly important place in the policy calculations of American leaders. Saudi Arabia is the largest foreign supplier of oil to the United States. It has played a decisive role in moderating OPEC price decisions. Its investments here are estimated at more than $40 billion. The staunchly anti-Communist Saudi monarchy has also used its oil revenues to support its foreign policy goals—shared by American policymakers—in the Horn of Africa and Zaire. And perhaps most important, Saudi Arabia, with a quarter of the world's known oil reserves, is the only producer capable of expanding production to meet projected Western demand in the coming decade.

WOULD THE UNITED STATES DEFEND THE SHAH AGAINST HIS OWN PEOPLE?

As the Saudi leaders frequently point out, however, Saudi Arabia bases its production decisions on political as well as economic considerations. Saudi oil minister Ahmed Zaki Yamani insists that his government needs to pump only 5.5 million barrels of oil per day to satisfy its domestic and international commitments—compared to the 8.5 million barrels per day it currently produces. The decision to produce more is tied to the royal family's foreign policy goals: preserving economic and military relations with the United States, strengthening the non-Communist industrial economies as a bulwark against the Soviet Union, and generating funds for use in fighting Communist influence in the Gulf and nearby areas like the Horn of Africa.

A more radical or even a more narrowly nationalistic regime might well decide not to expand production. A more radical Saudi government might support higher oil prices. It might also be more willing to use oil as a political weapon to isolate Israel. Not only would this threaten current Western economic plans, but to the extent that it lessened U. S. influence over Persian Gulf oil production, it could be seen as an important reduction in American global power.

THUS IT APPEARS likely that the Carter administration's quick strike force is intended as a tool that can be used to preserve the status quo in the Persian Gulf. Whether the United States could successfully carry out the kind of intervention it contemplates is less certain. This is a crucial issue. If the United States has made political commitments that are beyond its military capabilities, there is a danger that, in a time of crisis, American leaders might resort to extreme measures to preserve U. S. credibility.

It is clear that the entire "rapid reaction strike force" would not be capable of a "quick hit in remote places," as one official described its mission. Although initial units could be on the ground in a Persian Gulf nation within hours after they received orders, publicly available studies and assessments by military analysts familiar with the problem suggest that it would take up to a month or more to get two of the three divisions to the area, and up to 60 days to deploy the entire strike force. The speed of deployment would depend on many factors, including the availability of nearby bases as staging areas and whether troops had to be parachuted into the battle scene or could be landed at friendly bases. More important, rapid deployment of 100,000 troops would require a large, concentrated airlift and sealift which is beyond present U. S. capabilities. The necessary sealift ships are, in the words of one analyst, "scattered from the Mediterranean to Manila." A Congressional Budget Office (CBO) study on U. S. projection forces, released in April, concludes that "the U. S. simply does not have the capability at present to move more than two divisions to [the Gulf] by air and sea in much less than a month." If a crisis in the Persian Gulf should also lead to or occur simultaneously with a full war in Europe, the strike force might never be completely deployed.

Despite President Carter's order to create a three-division mobile strike force, the administration seems to have no concrete plans to improve significantly the ability of the United States to get these troops to a trouble spot. Richard Cronin of the Congressional Research Service, an expert on the defense budget, says he has seen nothing in the fiscal year 1979 budget that appears related specifically to the mobile strike forces, although he says some

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items in research and development and some new weapons being procured could be relevant. The Pentagon is also planning to buy 20 Advanced Tanker-Cargo Aircraft by 1981 to modestly increase strategic airlift capacity. But there does not appear to be any procurement planned for a major increase in U. S. airlift and sealift capacity. And according to one well-informed source, a "consolidated guidance" memo, issued by Defense Secretary Brown in January to guide plans for the fiscal year 1980 budget, also calls for no major, new expenditures for the rapid reaction force.

Even the three-division strike force being planned by the Pentagon could end up being insufficient should American troops get bogged down or have to face Soviet forces. The April CBO study says that under "worst case assumptions"—the scenario suggested by the study is a combined Iraqi and Soviet confrontation with Iran—the Pentagon would need four divisions and two aircraft carrier air wings. The Joint Chiefs of Staff are apparently even more cautious in their estimates, reportedly recommending contingency planning for seven army divisions, instead of two, and an unspecified number of carriers and B-52 bombers. The Joint Chiefs are also said to estimate that it would take up to nine months to complete the deployment of this force. It should be recognized, of course, that the Joint Chiefs plan for the worst possible case and, as a congressional analyst put it, "exaggerate estimates of Soviet capabilities and downplay the constraints on Soviet intervention." The Joint Chiefs are also reluctant to engage in another limited war without having sufficient forces to win it.

THE ONLY PUBLICLY available, detailed study of the feasibility of American military intervention in the Persian Gulf was prepared for Congress in 1975 by two specialists at the Congressional Research Service. The study, "Oilfields as Military Objectives," was written by John Collins, a senior defense specialist, and Clyde Mark, a Middle East analyst. Both men say they still stand by their study; to their surprise, says Mark, their results have never been seriously challenged. The 1975 study is extremely skeptical about the feasibility of U. S. military action to seize oil fields in the Gulf against the wishes of the local government. Collins and Mark ruled out the possibility that the United States could seize enough oil fields to serve both the United States and its Western European and Japanese allies in the event of a total OPEC embargo.

Even an operation aimed at securing oil for the United States would be extremely demanding. To be successful, they say, a military operation of this kind would have to accomplish all of the following: "seize required oil installations intact; secure them for weeks, months, or years; restore wrecked assets rapidly; operate all installations without the owners' assistance; and guarantee safe overseas passage for supplies and petroleum products." Collins and Mark also note that oil fields could be sabotaged before U. S. troops arrived, since the chances of achieving surprise are "close to zero."

IT IS NOT AXIOMATIC THAT A RADICAL REGIME WOULD CUT OFF OIL TO THE WEST.

The initial airborne forces would have to both seize and protect the key facilities while also grabbing and holding airfields for landing reinforcements and equipment. Collins and Mark calculated that it would take about two weeks to finish transporting the first airborne division to the target area, and another 30 days to move in a second army division. Complete deployment of a marine division would take up to two months. Even if the initial U. S. invasion were successful, they say that some 600 installations in a 10,000 square mile area would have to be safeguarded from guerrilla attacks. "Covering all wells and other key installations could easily swallow three divisions, plus a fourth in reserve," they concluded.

Under less demanding conditions, the United States could perhaps intervene with greater initial success. Yet small-scale intervention might also serve to expand what was originally a limited conflict, drawing the United States into greater involvement.

Beyond the issue of feasibility, there are also serious questions to be asked about President Carter's order that the U. S. strike force be able to reach a crisis spot before the Soviets do. This "quick hit" requirement reflects the thinking of National Security Adviser Zbigniew Brzezinski, who recently told Elizabeth Drew of the *New Yorker* that "we ought to contemplate getting there first—or we will have to get there second and become first." He said the current situation bears out his thesis that in the post-Vietnam era, the United States and the Soviet Union would clash in the Third World. "This is going to put a premium on pre-emption," he told Drew, "because who gets there first has command of the situation." But if the United States arrives first, how are we to know that the Soviets were really intending to get there at all? If there is a "premium on pre-emption," how much time will the President or Congress have to consider whether to intervene at all in a brewing crisis? And once the mobile strike force is created, would the administration not be tempted to order its instant deployment to any spot on the globe where it perceives U. S. interests to be threatened?

So far, the administration has not satisfactorily addressed itself to these issues. Nor has Congress, which has shown surprisingly little interest in the administration's strike force plans, even though they presage a dangerous and costly U. S. military commitment in the Persian Gulf—a commitment made by executive fiat, without congressional approval. In its rush to beef up America's mobile strike capacity, the administration has not transcended the "inordinate fear of Communism," as Carter proclaimed last year, but has followed the Cold War thinking of the past and has neglected noninterventionist policy alternatives. For example, it is not axiomatic that even a radical, pro-Soviet regime in the Persian Gulf would decide to cut off oil exports to the West or drastically raise the price of petroleum. Such a government would still need dollars to finance its development plans, and the Soviet Union could not replace the West as either a purchaser of oil or a source of industrial or development goods. Before Congress gives the President a free hand to create a mobile strike force, it should explore policy alternatives less fraught with danger and less likely to lead to the kind of disaster the United States so recently suffered in Vietnam. ❑

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SALT: THE DANGEROUS ILLUSION

By BARTON J. BERNSTEIN

RECENTLY, WHEN A GROUP GATHERED outside the White House to protest the arms race and the Carter administration's build-up of nuclear weapons, a presidential aide left the sanctuary of his office to speak to the demonstrators. "You have a right to be disappointed," he told them. President Carter, the aide admitted, had violated his campaign and inaugural pledges ("ridding the earth of nuclear weapons") by increasing the arms budget, adding greatly to American megatonnage, and dallying on the Strategic Arms Limitation Talks (SALT). But the presidential assistant held out to the demonstrators the hope of a new SALT agreement. He, like many of the protesters, assumed that SALT would stop the arms race.

They were wrong. SALT actually legitimizes the continuing American and Soviet nuclear build-up. At best, SALT II—the current round of talks—*may* keep the arms race from *accelerating*. Most Americans fail to understand how little SALT II is likely to accomplish. The proposed treaty will slightly cut back the number of delivery systems (from 2400 to 2160–2250); maintain the present limit of 1320 on the number of missiles with multiple warheads (MIRV) and planes with air-launched cruise missiles (ALCM); hold the number of land-based missiles with MIRVs to 800–850; allow 308 "heavy" missiles; restrict the range of the air-launched cruise missile to 1500 miles and the submarine-launched cruise missile to 300 miles; and possibly limit production of the Soviet "Backfire" bomber. The proposed agreement does not deny either the United States or the Soviet Union any major weapons system that their leaders desire.

The United States now has about 2150 strategic missiles and bombers, so there would be no reduction in the size of the American arsenal, and the Soviets would have to cut back about 150 to 250 launchers. The permitted emphasis on land-based and "heavy" missiles is a concession to the Soviets, who recently invested substantially in ICBMs with multiple warheads. (The Soviets are still behind in MIRV technology, and cannot shift—as the United States has—to more reliance on submarine-launched ballistic missiles—SLBMs—with multiple warheads. The Soviets are just beginning to install such missiles on their submarines.) The allowance of a 1500-mile and 300-mile range on the cruise missiles—where the Americans hold a large technological lead—is a concession to the United States. The Soviets may also agree to restrict production of the "Backfire" bomber, which American negotiators contend is a strategic weapon, but which the Soviets argue is for defense in Europe and, by implication, against China.

Unfortunately, public dialogue on the meaning of the SALT II pact has been polluted by the Committee on the Present Danger, spearheaded by Cold Warrior Paul Nitze, which accuses the administration of "selling out" to the Soviets. America will soon be in peril, the committee charges, because America's land-based missiles can be destroyed by a Soviet first strike. That alarmist charge overlooks two important facts: the Soviets lack the accuracy to be able to destroy all (or even 90 percent) of American ICBMs; and these missiles are becoming less important as Carter shifts about one-third of the arsenal to SLBMs, which are virtually invulnerable. Only a suicidal Soviet Union—and it is not suicidal—would launch a first strike against America's triad while knowing that 420 American bombers and 656 SLBMs (450 with MIRVs) could destroy the Soviet Union.

Contrary to the warnings by Nitze's committee, the real danger of SALT II is quite different: It allows continued escalation of the arms race. There will be no limit to the total throw-weight, the number of warheads on a MIRV, the number of bombs in a bomber, or the number of cruise missiles on a plane or sub. Under SALT II, as a result, the American strategic arsenal will grow about 35 percent, from 9000 warheads and bombs to about 12,000 (including 2000 cruise missiles), and the number of Soviet weapons will double from about 4000 to 8000. In the deceptive guise of achieving arms control, the two great powers are speeding ahead in the race.

Some defenders of the Carter administration argue that it sought last year to halt—even reverse—the race, and that the Soviets rebuffed this effort. Such is the frequent interpretation of the so-called "deep-cut" proposal that Secretary of State Cyrus Vance presented in Moscow in March 1977. America called for a mutual cutback to 1800–2000 delivery systems, 550 land-based MIRVs (exactly the American number), and 150 "heavy" missiles (half the Soviet total), thus requiring more emphasis on SLBMs with multiple warheads (the Americans had about 300 and the Soviets none). The administration was not sincere in offering this proposal. Carter, Vance, and their advisers knew that it was unfair and would injure the Soviets. The "deep-cut" recommendations would have legitimized the arsenal that America had developed, while asking the Soviets to dismantle critical parts of their arsenal (158 of 308 "heavy" missiles), to give up the effort to use greater megatonnage as a substitute for missile accuracy (where the United States was far ahead) and to rely on expensive SLBM technology, where the Soviets were far behind. Put bluntly, the proposal would have established Soviet inferiority and destabilized the mutual balance of terror—what the strategists call "mutual assured destruc-

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Many people assume that a new strategic arms limitation agreement will stop the arms race. It won't.

tion" (MAD). The Carter administration knew that the Soviets would find it unacceptable.

The Carter scheme achieved a useful domestic political victory at the cost of briefly offending the Soviets, who labeled it "a cheap move." The 1977 proposals, offered during the administration's first 100 days, produced a brief alliance at home of the arms controllers and the arms expansionists. American "doves" were delighted by the prospect of "deep cuts" and optimistically interpreted the offer as partial fulfillment of Carter's pledge to halt the arms race. "Hawks" were delighted by the promise of "deep cuts" because Soviet capacity would have been weakened while America's would have been virtually unimpaired. Despite Carter's pious words of disappointment, the administration was pursuing a shrewd dual strategy: urging an agreement that it knew was unacceptable, while also encouraging work on new technological developments (especially missile accuracy), which might even increase the American lead.

SUCH CYNICAL TACTICS ARE NOT NEW in the arms race. The general history of the SALT negotiations is one of an unwillingness to cut back on weapons. The result has been legitimized escalation. SALT I, signed in 1972, put a limit on the antiballistic missile race, but had little effect on other parts of the arms competition. The SALT agreement allowed the Soviets 1618 ICBMs and 740 SLBMs, and permitted the United States 1054 and 656, respectively. The Soviet advantage in the number of missiles roughly compensated for the superior accuracy of American ICBMs and the larger U.S. arsenal—approximately 5000 warheads to 2500 for the Soviets.

At SALT I, the major dispute was about MIRV, the multiple independently targetable reentry vehicle. The Soviets, who had not developed MIRV, wanted to ban it; the United States, preparing to deploy MIRV, refused. On this critical issue, the American delegation split, and President Richard Nixon, probably at the behest of Secretary of Defense Melvin Laird, rejected the Soviet request. Why give up a technological advantage that could promise "superiority"? Top American leaders, despite the pleas of some SALT negotiators, refused to settle for mere equivalence. By restricting the number of missiles but not the number of warheads, the SALT I treaty allowed the United States to exploit its technological advantage and thus compelled the Soviets to try to catch up.

The SALT I treaty allowed substantial escalation. The pact did not restrict technological change—improving warheads, developing cruise missiles, and refining missile accuracy. Nothing in the SALT agreement interfered with American strategic plans, including the work on the Trident submarine, the upgrading of SLBMs, or the development of the B-1 bomber.

Looking back at the 1972 agreements, we should ask some suspicious questions: Did the Nixon administration devise SALT as a way of seeming to seek arms control while actually aiming for strategic "superiority"? At a time when many citizens and congressmen had soured on the war and the growing military budget, did the administration scheme to expand military spending? Was SALT, like the negotiations on Vietnam, part of a devious strategy in which the administration appeared to be seeking one set of goals while actually pursuing the opposite?

On SALT, unlike the peace negotiations, that was not Kissinger's intent, and probably not Nixon's. But that was the effect. To stop the Joint Chiefs of Staff and their allies from torpedoing the SALT treaty, the administration gave the Defense Department many of the new weapons systems it wanted. And the administration's preparation for future arms negotiations with the Soviets inspired a new strategy of seeking "bargaining chips"—developing weapons systems and seeking improvements that could be bargained for substantial concessions. Unfortunately, many of the "chips" soon became too valuable for trading. Given the power of military contractors, the armed services, and their congressional allies, the "bargaining chips" often became new weapons. The "bargaining chip" approach has actually encouraged the development of weapons and, thus, has helped accelerate the arms race.

Take, for example, the submarine-launched cruise missile (SLCM). Initially, the navy was not enamored of the program, and Secretary Laird had to order development of the SLCM. Kissinger supported the program, he later admitted, as a "bargaining chip" and did not foresee, as he later lamented, that "the Navy would fall in love with it." Cruise missiles—both the SLCM and the air-launched version (ALCM)—have become important parts of the future American arsenal and one of the sticky issues in SALT II negotiations. Since this weapon is highly accurate, comparatively cheap, and hard to detect, it is an ideal first-strike, counterforce weapon for use against Soviet missiles or airfields.

SALT I brought together in Congress many opponents and friends of the arms race. Both groups could agree on supporting expenditures for "bargaining chips": "Dove" congressmen hoped that the future trades would reduce the level of mutual terror, and "hawk" legislators hoped that the trades would benefit the United States or that the weapons systems, if developed, would strengthen America. At a time when the arms race was in disrepute, congressmen who wanted a larger military budget could deny they were "hawks" and claim they were simply preparing the nation for tougher bargaining at SALT II. They foresaw, correctly, that the result would be more weapons systems, that "chips" could be parlayed at home into added military strength.

The Vladivostok Interim Accord of 1974 also failed to halt the arms race and may actually have encouraged escalation. The agreement restricted each side to 2400 missile launchers, and allowed 1320 to have multiple warheads. The Soviets had to cut back about 100 launchers, and the United States could add about 200. In the critical area of multiple warheads, the agreement encouraged considerable expansion. The Soviets then had no MIRVs and the United States had about 820, with plans to build another 500. The agreement legitimized American plans to improve further its strategic arsenal by deploying Minuteman III and Poseidon missiles and continuing work on the Trident submarine, then expected to become operational in about 1980.

The Vladivostok Accord, unlike SALT I, unleashed criticisms from arms controllers. It temporarily dashed their hopes of restraining the arms race through negotiations and

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Despite Carter's pious words, his "deep-cut" proposal was not sincere.

agreements. As Herbert Scoville, a former Pentagon official, lamented, "the agreement set the ceiling so high that it is, in effect, no ceiling at all."

Less clear, however, was the ultimate significance for American strategy of this interim agreement. Secretary of Defense James Schlesinger, pushing for a strategic build-up, argued that America must abandon the strategy of "mutual assured destruction" and seek "superiority." "Superiority" would make nuclear war possible and give the United States control over the options of limited war and the terms of escalation. Fearful that America would not otherwise be able to block revolutions in the Third World and that her nuclear power was no longer a credible deterrent to Soviet expansion in Europe, Schlesinger concluded in 1974 that the United States needed the capacity to *win* a nuclear war. Only after America established this "superiority," he contended, would Soviet leaders believe that America might use its nuclear weapons. The immediate result of the Schlesinger strategy was enhanced concern with further improving the accuracy of American missiles.

Great accuracy is important only in counterforce: deploying missiles against an enemy's weapons in the hope of destroying them all. If, for example, an American warhead misses a Soviet missile by a few hundred feet, the likelihood of "killing," or damaging, the Soviet weapon is slim. But in targeting against cities, a miss of a few hundred feet simply means killing different people—hitting, say, 42nd Street and Broadway, rather than 44th Street, and thus killing New Yorkers all the way to 121st Street, instead of only to 119th Street. The result is still about the same number of deaths.

Critics rightly pointed out that Schlesinger's effort to build a first-strike capacity was dangerous and provocative, or foolish and wasteful. If successful, he might encourage the Soviets, who would then be put on the defensive, to launch a preemptive strike, for fear of an American first strike. More likely, the critics charged, Schlesinger would be unsuccessful: the American venture would inspire a Soviet build-up to protect vital weaponry and thus provoke more spending by both great powers. In addition, critics correctly stressed that America could not destroy all the Soviet weapons (especially SLBMs), and, thus, in an all-out war, the United States would still suffer "unacceptable" damage—over 100 million deaths. Such numbers made talk of "winning" absurd.

The Schlesinger scheme led to renewed official discussion of limited nuclear war, with elaborate scenarios of carefully calibrated escalations of violence and death—a first strike, a second, a third, and so on. According to this thinking, as popularized by Nitze, there was no limit to the number and power of weapons that could be essential. "Overkill" could not exist. More would always be better. New technology, if adding military strength for America, would always be beneficial. Even SALT, according to Schlesinger, was too inhibiting.

Critics stressed that the Schlesinger scenarios were unreasonable. Limited nuclear war was impossible, for it would quickly escalate into an all-out nuclear conflict. Since the basic Schlesinger strategy was defective, critics contended, more arms control—not less—was necessary.

WHAT DOES THE CARTER administration think about limited nuclear war and the use of bargaining chips? Despite uneasiness, the administration keeps flirting with notions of limited nuclear war, and, despite disclaimers, still relies upon bargaining chips.

The President and Secretary of Defense Harold Brown have partly backed away from the Schlesinger limited-war strategy. Last year, Brown explained that he, like many of Schlesinger's critics, did not believe that a limited nuclear war could stay limited. At the same time, however, he told Congress that the United States should seek to reserve the options "to retaliate with less than an all-out attack and then try to keep the conflict limited." But "I do not think it is at all likely that a nuclear exchange would remain limited," he told the Senate Armed Services Committee.

These doubts and fears *may* help explain why Carter decided in April not to develop the neutron bomb—at least at this time. Deploying the bomb would imply that America and her allies might easily cross the nuclear threshold and thus unleash a massive nuclear war. The Soviets have often explained that they reject the doctrine of limited nuclear war, and have warned that NATO's use of nuclear weapons would mean all-out war. The bomb also deeply troubled some NATO allies, especially the Dutch, who feared that the bomb would ultimately jeopardize European security by eroding the critical line between conventional and nuclear weapons. Carter may also have been influenced by some technical considerations, for the bomb is not very clean or accurate, and its combat use would leave a long-lasting residue of radioactivity.

Carter has not abandoned the neutron-bomb project. He has simply delayed the decision on production. But he has directed the Pentagon to modify Lance missile warheads and artillery shells to accommodate the radiation device. Is Carter actually trying to avoid production and deployment, and thus buying time? Is he still hoping for some Soviet concessions as a quid pro quo?

Probably Carter would prefer not to deploy the neutron bomb, but he has also indicated that he hopes for some reciprocal concessions from the Soviets. That might strengthen Carter's position with domestic critics, who are charging that he is surrendering a "bargaining chip." When Premier Leonid Brezhnev stated that the Soviets would "not begin production" of the weapon unless the United States did, and asked for a joint ban on the neutron bomb, Carter dismissed the offer as inadequate. "The Soviets have no use for a neutron bomb," the President stressed.

Originally, the Carter administration's plan had been to produce the neutron bomb but to delay deployment for about 18 or 24 months, while awaiting Soviet concessions, especially restrictions on the new intermediate-range SS-20 missile. If the concessions were not forthcoming, then deployment would follow. This "bargaining chip" strategy kept the project alive during the administration's first year and kindled hopes among other domestic groups that the Soviets would make an attractive trade. That administration strategy, with the domestic pressures it encouraged, may revive the neutron bomb next year.

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Carter's tactics have helped make a mockery of the SALT talks.

Was Carter's decision to scrap the B-1 bomber *part* of a "bargaining chip" strategy? It probably was, but the decision was made primarily on economic and domestic-political grounds. The B-52, with the air-launched cruise missile, promised to be cheaper and strategically as effective. Perhaps as important, the B-1 lacked the powerful congressional support that the B-52 and the ALCM possess: Boeing of Washington is the prime contractor for these weapons, and the state's junior senator, Henry Jackson, aptly dubbed "the senator from Boeing," is the second-ranking Democrat on the Armed Services Committee and will likely become its chairman next year.

In the case of the B-1, the administration has also clung to the "bargaining chip" approach. After halting the B-1, Carter declared, "If, at the end of a few years, the relations with the Soviets should deteriorate dramatically . . . , then it may be necessary for me to change my mind." Why a strategically "unnecessary weapon," as he termed the B-1, would be necessary, he did not explain. He was not simply protecting himself from congressional critics and disappointed contractors, but also serving notice on the Soviets. He implied that he was being generous and restraining his "hawks," and that the Soviets should appreciate his action. Small-scale unilateral initiatives, designed to build trust and to cut into existing arsenals, are the road to meaningful arms control. The B-1 decision was not such an initiative.

On other occasions, too, the administration has relied upon the bargaining-chip approach. Last year, for example, when the SALT negotiations were strained and the interim agreement was coming to an end, Secretary Brown warned the Soviets that American spending on strategic weapons, already scheduled for a $2 billion increase, might rise another $4 billion if there was no agreement. Such warnings can easily help legitimize a larger military budget, and produce more, not fewer, demands at home for higher military spending.

The emphasis on bargaining chips and negotiations from strength have helped make a mockery of the SALT talks and have encouraged the development of new weapons systems. At best, these "chips" may be surrendered in the negotiations; thus the great powers give up what they do not want, anyway. More often, the "chips" gain domestic allies, seem necessary, and become actual weapons.

WHAT IS NEEDED IS A NEW approach—an effort to cut back on actual systems and give up future weapons development. Such an approach could include a quest for a mutual prohibition on the testing of missiles and warheads. Because new weapons cannot be introduced and many improvements made without testing, a ban on testing would halt the arms race in some critical ways: The United States could not keep improving accuracy, which the Soviets claim to fear, and the Soviets could not keep enlarging throw-weight, which the Americans claim to fear. Spy satellite photography is sufficiently developed to detect cheating.

Rather than seeking to negotiate this prohibition on testing, the United States might try a different approach—a unilateral initiative. The Union of Concerned Scientists, with more than 12,000 supporters, including George Kistiakowsky, Hans Bethe, and James Killian, has issued a little-noticed "Declaration on the Nuclear Arms Race," calling upon Carter to take the initiative in controlling weapons technology by announcing that America will cease testing. If the Soviets agree by their behavior, as is likely, for they have suggested a similar proposal in SALT negotiations, the great powers will have acted to stop part of the arms race. If the American initiative does not produce the desired Soviet response, the interruption in testing would not weaken American security. As the "Declaration" astutely points out, "It takes many years to develop and deploy strategic weapons systems and our strength is such that a short delay . . . cannot put the United States at risk."

Should a ban on testing be achieved, the United States might try a second unilateral approach: a cutback of, say, 100 of its 1050 multiple-warhead missiles with a request that the Soviets eliminate some of their "heavy" missiles. Unlike Carter's disingenuous proposals of March 1977, this program would ultimately require *both* nations to reduce their arsenals and junk expensive equipment. Verification would not be difficult. The SALT treaty, itself, relies on the ability of each nation, through satellite surveillance, to distinguish missiles with MIRVs and "heavy" missiles.

The strategic risks for the United States in such a unilateral act would be minimal. A small shift of 10 or 15 percent in one type of nuclear weapon would not weaken the present system of mutual deterrence. The balance of terror is not precarious. And America's virtually invulnerable SLBMs always remain as the final deterrent. Even if the Soviets achieved the impossible, and destroyed all American land-based ICBMs and bombers, the United States would still have at sea more than 30 submarines, most with MIRVs of at least 40 kilotons, for about 4600 warheads. About 1000 of these warheads could destroy the Soviet Union's 220 large cities (over 100,000 population), which contain slightly more than one-third of Russia's population. Even if the Soviet ABM system around Moscow worked perfectly—and it will not—the prospect of 100 million deaths in the other cities still constitutes the ultimate deterrent.

Such unilateral initiatives as banning tests and cutting back 100 missiles with multiple warheads are very modest proposals for reducing tension and halting the Soviet-American arms race. The chief shortcoming of these proposals, bold critics will lament, is their very modesty; for these unilateral initiatives, if matched by the Soviets, will not *speedily* lower the mutual balance of terror. The citizens of the United States and the Soviet Union will continue to dwell in a world where the strategy of "mutual assured destruction" (MAD) continues to reign.

Nearly 33 years ago, after the bombings of Hiroshima and Nagasaki, Dwight Macdonald wrote, "The crazy and murderous nature of the kind of society we have created is underlined by the atomic bomb. Every individual who wants to save his humanity—and indeed his skin—had better start thinking 'dangerous thoughts' about sabotage, resistance, rebellion, and the fraternity of all men everywhere." Isn't his unsettling counsel still worth pondering? ❏

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Undocumented workers carry their own weight in America, but Carter's plan treats illegal aliens as economic troublemakers.

Targeting the ILLEGAL ALIEN

By BILL BLUM

*FOUR DAYS AFTER THE CAR*ter amnesty plan for undocumented aliens was unveiled at a White House press briefing on August 4, 1977, the *Los Angeles Herald-Examiner* dramatized its view of the immigration issue for its readers. In bold black and white, the *Herald-Examiner*'s front-page headline boomed: "STATE THREATENED BY ALIEN HORDE." The accompanying article, taken from the wire service of the *New York Times*, explained that nearly a quarter-million "destitute migrants from the interior of Mexico" were massed on the Tijuana border, preparing to pay professional smugglers as much as $250 each to guide them across the frontier before the proposed amnesty took effect.

While relatively extreme in its choice of words, the *Examiner* story is typical of news media coverage of the "illegal alien" question. Over the past four years, publications across the country, from the *Washington Star* and *U.S. News & World Report* to the *San Diego Union*, have carried accounts of the "silent invasion" sweeping the nation.

No one knows for sure how many undocumented migrants live and work in the United States. Estimates range from 2 million to 12 million, with 60 to 75 percent of the total said to come from Mexico and large numbers of others from Caribbean countries like Haiti and Jamaica. And depending on the article and the author, the "alien horde" is blamed for everything from unemployment and rising taxes to the growth in violent crime and a recent measles epidemic in Southern California. In a syndicated radio broadcast this March, Ronald Reagan suggested that Soviet financial assistance was behind the alien tide.

Courtesy of NACLA

It is in this climate of hysteria that the Carter plan is now being considered by the Senate Judiciary Committee. The plan was introduced as S. 2252 in the Senate last October by Democrats James Eastland of Mississippi and Ted Kennedy of Massachusetts.

Designed "to regain control of our own borders" (the words used by Carter in his August 4 message to Congress), the presidential plan contains five major provisions:

- Permanent resident status would be granted to those aliens who have resided in the United States continuously since before January 1, 1970. Most experts agree that only 300,000 to 500,000 people would qualify.
- A new immigration category, referred to as "temporary resident alien status," would be created for undocumented aliens who arrived between 1970 and 1977 and have resided here

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continuously since their arrival. The temporary status would last five years, during which those qualifying would pay taxes and be permitted to work but would not be allowed to vote or receive welfare benefits. The largest concentration of "illegals" is thought to fall into this category.

- Both equipment outlays and personnel for the U.S. Border Patrol would be "substantially increased" to stem illegal immigration in the future.
- Employers engaging in a "pattern and practice" of hiring aliens who fail to qualify for permanent or temporary status would be subject to civil penalties, including injunctions and fines of up to $1000 per illegal hiring. The idea of creating a counterfeit-proof national identification card for all U.S. workers has been abandoned primarily because of its expense and also because of the civil liberties furor that the proposal set off. But possession of a valid Social Security card, as well as other documents to be designated by the attorney general at a later date, would be made a prerequisite for any worker to obtain lawful employment.
- Economic aid and "cooperation" would be offered to "source" countries in an effort to improve their economies and their control over alien smuggling rings.

The plan provides no amnesty for those aliens who entered the country unlawfully after January 1, 1977. The plan also places the burden of proof on aliens to show that they were in the United States prior to the 1970 or 1977 deadline.

While the Carter proposals were still on the drawing board in February 1977, the administration recognized the importance of gaining the confidence of influential Hispanic-American groups and organizations, especially those based in the Southwest, whose cooperation would be necessary for the plan's implementation. To accomplish this objective, Carter named Houston City Controller Leonel J. Castillo, a Mexican-American with a reputation as a racial problem-solver, to head the Immigration and Naturalization Service (INS) in April.

By August, after extensive discussions with Chicano leaders, Castillo believed his mission had been accomplished. "I think what we'll find will be differences of opinion within the Hispanic community," Castillo told reporters at the August 4 press conference. "There will be strong support for some elements of the plan and some opposition on parts. I think overall the arguments will be over details of the package rather than the general thrust of it."

Nearly every Hispanic organization has attacked Carter's plan.

Castillo's forecast, however, proved entirely wrong. Virtually every important Hispanic organization in the country, including the Congressional Hispanic Caucus, the United Farm Workers, CASA (the Center for Autonomous Social Action), and La Raza Unida Party, has condemned the plan, root and branch.

Particularly strong criticism has focused on the temporary residence provisions. Herman Baca of the San Diego Committee on Chicano Rights has blasted the proposal as a "sham and a shame." "It is our position," he explains, "that the temporary resident status would create a 'semi-slave' status because it violates the Fourteenth Amendment of the Constitution, which guarantees equal protection of the law. It also constitutes a human rights violation under the Helsinki Agreement, which gives immigrant laborers the same rights and opportunities as domestic laborers."

In addition to their arguments based on the effect that temporary status would have on civil rights, Baca and others object to the fact that the Carter plan gives no assurances as to the fate of these temporary residents after expiration of the five-year amnesty. Under the plan as currently written, millions of aliens could, when their amnesty expires, find themselves on buses and planes chartered by the INS and bound for the interior of Mexico.

Hispanic leaders have also condemned the proposals to fortify the Border Patrol and penalize employers for hiring undocumented workers. Beefing up the Border Patrol, they charge, would only lead to further shootings and beatings of illegal aliens by U.S. border guards, create trouble with Mexico, and increase the number of raids and roundups in border cities.

In a similar fashion, Hispanic leaders argue that employer sanctions will inevitably lead to discrimination and repression against minority job applicants. "Repression would derive from the fact that employers would be functioning as agents of the INS," comments Joe Sommers, professor of Latin American Studies at the University of California at San Diego. "They would be required to examine documents and in effect to make judgments on legality. Such a law would create discrimination against Mexican-Americans, since the employer concerned with avoiding a fine or prosecution might well decide that the only safe course is to hire *no one* with a Spanish surname or the appearance of Mexican descent."

Contrary to Castillo's August 4 predictions, what, in large measure, unites articulated Hispanic opinion against the Carter plan is not so much criticism of details as a realization that the plan implicitly designates the alien as the source of the nation's social and economic ills.

PROPONENTS OF IMMIGRATION curbs rely chiefly on statistics collected by the INS that show that between 1970 and 1976, approximately 4.3 million aliens were apprehended by the Immigration Service and sent home, the vast majority departing voluntarily and the rest under deportation orders. Since the INS estimates that it apprehends only a fraction of the illegal population, the exact number of undocumented aliens in the United States is left to the imagination of such groups as the executive council of the AFL–CIO.

But even if INS estimates are credible (and there is good reason to believe that they are inflated both in order to attract larger budget allocations and through failure to allow for repeated entry violations by the same person), the statistical reasoning misses the point. The pertinent question is not whether large numbers of undocumented aliens live and work in the United States, but whether their presence causes unemployment and high taxes for Americans.

Careful examination of the evidence indicates that undocumented aliens complement the activities of native workers and pay considerable taxes. According to MIT professor Wayne Cornelius, director of a four-year National Institutes of Health study of Mexican migration to the United States: "Where careful independent studies of the impact of illegal immigration on local

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labor markets have been made, they have found no evidence of large-scale displacement of local resident workers by illegal aliens."

The research conducted to date indicates that most undocumented workers find employment in the low-wage, low-skill sector of the American labor market. As the author of one study, MIT economist Michael J. Piore, explains: "Industrial societies seem to generate a series of jobs at the bottom of the social structure which their own labor force is reluctant to fill. The rejection of these jobs by native workers leads industrialists to recruit immigrants from underdeveloped rural areas." Far from being a detriment to the economy, Piore observes: "To the extent that these jobs are critical to the functioning of an industrial society, the aliens are complementary to native workers and to domestic consumption patterns."

A 1976 Manpower Administration study conducted for the Labor Department by David S. North and Marion F. Houston addressed the questions of taxes and welfare costs. North and Houston discovered that 73 percent of "all illegals" had income tax withholding deducted from their salaries, and 77 percent had Social Security deductions withheld from their earnings. In contrast, the study found that only 0.5 percent received welfare, 1.5 percent received food stamps, 4 percent collected unemployment, and 4.6 percent received free health care. Another 1976 study, financed by the county of San Diego, reported that a review of 9132 alien welfare cases demonstrated that "only ten illegal aliens were found to be receiving welfare benefits." (The cost of locating these 10 illegals exceeded the total of the direct aid they received.) If the evidence proves anything, it is that the alien pays as he goes and gives more than he receives.

Treating immigrants as invaders and blaming them for social problems are not new. Racial prejudice, shifting political coalitions, and business and labor interests have controlled immigration policy repeatedly in American history. As attorney Peter Schey, head of the Legal Services Aliens' Rights Program in Los Angeles, puts it, "The Carter plan is part of an old tradition."

For the first hundred years following the Declaration of Independence, however, immigrants were welcomed to the United States. Then, in the last two decades of the nineteenth century, a shift in the predominant source of immigration from northern Europe to

The alien pays as he goes, giving more than he receives.

southern and eastern Europe, together with attitudes that blamed economic woes on the influx of foreigners, gave rise to nativist demands for immigration curbs from organizations like the Immigration Restriction League and the American Protective Association.

The passage of the Chinese Exclusion Act in 1882 made the Chinese the first victims of the new attitude. Later in the same year, the first general immigration statute imposed a "head tax" of 50 cents per immigrant and excluded mental incompetents, convicts, and persons likely to become a public charge.

For the next two decades, the "new" immigrants from southern and eastern Europe continued to stream into the factories and shops of the East Coast, while the Japanese supplanted the Chinese in the fields of California, until they too were barred from the country with the signing of the 1907 Gentlemen's Agreement.

In 1917, entry requirements for all stiffened as another comprehensive immigration statute was passed, creating a literacy test for new arrivals.

Revolution in Russia drew attention to the new and growing socialist and anarchist movements that had been well received by some foreign-born workers in the United States, and some native-born politicians thereupon tried to equate aliens and radicals. Immigration rules were amended in 1918 to provide for keeping some people out or deporting them because of their political beliefs.

Then, in 1921, the first quota law was passed. It cut back immigration to 3 percent of the foreign-born from each European country as counted in the 1910 census. Three years later, the base date for the quotas was pushed back to 1890—when there were even fewer southern and eastern Europeans in America—and the quotas were reduced to 2 percent. A full-scale national origins plan was put into effect in 1929. It placed an annual limit of 150,000 on immigration and assigned quotas on the basis of each European country's historical contribution to the 1920 white population in the United States. Such a quota system, with modifications, remained in operation until 1965, when it was superseded by hemispheric quotas of 170,000 for the Eastern Hemisphere and 120,000 for the Western Hemisphere.

Prior to 1965, the United States had not limited immigration from Western Hemisphere nations at all, and Mexico, together with the other countries of North and South America, was not covered by the 1921 act. From 1909 to 1930, when more than 750,000 Mexican immigrants were legally admitted to the United States, and thousands more entered without documents, they were welcomed to take the place of the proscribed Japanese in the fields, and in factories as well, particularly during the manpower shortage of World War I. With the onset of the Great Depression of the 1930s, the welcome wore out. During the first four years of the decade, an estimated 400,000 Mexicans were "repatriated" to ease the unemployment problem and to thin the welfare rolls.

WITH THE COMING OF another labor shortage during World War II, the official attitude reversed. In 1942, under pressure from California beet growers, the United States and Mexico initiated the bracero program, an intergovernmental accord which permitted Mexican nationals to perform seasonal work in the United States under temporary contracts.

Throughout the duration of the bracero program, the number of legal migrant workers was supplemented by illegal workers who, in search of the higher pay available here, crossed the Rio Grande without documents by the hundreds of thousands, much to the delight and profit of corporate farmers and, presumably, to the illegals' economic betterment. After the Korean War period, in which Mexican labor was given a warm reception in the United States, came an economic slowdown. During the recession of 1953–1954, nearly 2 million Mexicans were deported in the course of "Operation Wetback," an effort which, in its violations of civil liberties, was similar to other practices of the McCarthy era. Thereafter, the number of illegal entrants dwindled until the bracero

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program was terminated in 1964 at the urging of labor and church groups.

With the end of the bracero program, southwestern farmers again turned to undocumented workers, whose ranks began to swell in the late 1960s. But by the early 1970s, with inflation and recession battering the U.S. economy, pressure mounted from AFL–CIO leaders for another shift in immigration policy.

The approach of the Nixon and Ford administrations emphasized harsh police methods. The INS was ordered to step up deportations and to institute dragnet raids in minority communities and factories believed to contain high concentrations of illegals. The Nixon and Ford administrations also supported legislation first introduced in 1972 in the House by Judiciary Committee Chairman Peter Rodino which would have made it a crime to knowingly hire an undocumented worker.

In 1972, Nixon appointed former Marine Corps Commandant Leonard Chapman INS commissioner. Chapman proceeded to flood the media with horror stories of an alien invasion. But the single legislative accomplishment of the Nixon-Ford period was enactment of the Eilberg bill, which reduced legal immigration from any single country to an annual limit of 20,000.

By the time Carter took office, demands for immigration cutbacks had reached a fever pitch. Joining George Meany in a broad-based nativist chorus were such unlikely bedfellows as the Zero Population Growth lobby and the Ku Klux Klan. For the new President, however, the problem at the border was exceedingly more complicated than earlier crises resolved by mass deportations.

In essence, the Carter plan is an elaborate compromise designed to cope with four powerful and conflict-laden political realities: the public clamor, particularly that from the AFL–CIO calling for tightening the border; continuing business demands for a secondary labor market filled primarily by undocumented workers; the administration's own desire to stabilize internal economic conditions in Mexico; and the political importance of Hispanic-Americans.

At the moment, the Carter administration appears to have labor support for its plan. Although the AFL–CIO leadership believes the plan in general and the employer sanctions in particular are too weak, it sees the Carter proposals as a welcome sign. A number of individual unions, however, among them the United Electrical Workers and the International Ladies Garment Workers Union, oppose the AFL–CIO upper echelon's animosity toward aliens and are trying to recruit members among the undocumented.

Carter fears upheaval in Mexico if emigration is ended.

*DESPITE THE LARGE NUM*bers of unemployed Americans, many sectors of the U.S. economy, particularly agriculture and the garment trades, rely heavily on alien labor. To the extent possible without annoying the leaders of organized labor, the Carter proposals seek to ensure such industries a continuing supply of cheap immigrant muscle.

The plan provides for continuation of the current "temporary foreign worker certification" program, a technically cumbersome arrangement (stepped up after the end of the bracero program) under which foreign laborers are brought to the United States to perform seasonal work in times of domestic labor shortage. Labor Secretary Marshall has indicated that the number of these workers could increase from the present annual figure of 20,000 to more than 100,000 upon passage of the Carter plan.

Furthermore, the sanctions imposed by the plan on employers who hire illegal aliens are relatively mild and apply only to part of the business community. To begin with, only those employers engaging in a concerted "pattern and practice" of unlawful hiring would be affected. In addition, the administration has announced that enforcement will concentrate on large enterprises, which are unlikely to be driven out of business by a civil fine. Firms with 25 or fewer employees—which hire more than half of the illegal aliens from Mexico—may well have little to fear. Senator Eastland, chairman of the Immigration and Naturalization Subcommittee, supports the plan and finds it compatible with business and farm interests.

It is the effects of the plan on Mexico and on the Hispanic-American community in the United States that present the most serious problems for the Carter administration. Administration analysts fear political upheaval in Mexico if emigration to the United States is ended. Unemployment in Mexico is as high as 40 percent, and U.S. tariffs and other discriminations prevent development of industries making exportable goods. Simply sealing off the border to keep out illegal aliens, Labor Secretary Ray Marshall wrote in an April 27, 1977 memo to Carter, "will shut off an important escape valve for our Latin neighbors and could lead to destabilizing social, economic and political pressures there." Revolution in Mexico would probably endanger the $12 billion in Mexican government bonds and $3.2 billion in private-sector investments held by Americans and restrict access to Mexico's newly discovered reserves of natural gas and oil. Former CIA Director William Colby's warnings about the threat that Mexico may pose to the United States in the future are indicative of top-level worries in this country.

A solution to the "illegal alien" problem that will serve the administration's political aims in Mexico must be bilateral in nature. Hence, the Carter plan's promise of economic aid. As yet, however, no concrete proposals of aid have been made, and Mexican officials are worried that they will get nothing.

Hispanic-American opposition to the plan is at once desperate and intense. If the plan passes, many Hispanic-Americans will probably resist and try to trip up enforcement efforts. The illegal aliens not naturalized under the plan will be dissatisfied with living in constant fear of deportation. Thus, some government officials are worried about future disorders and political developments. Secretary Marshall, for example, speaks of a "new civil rights struggle of the 1980s" and "revolt" by the new generation of Hispanic-Americans.

In contrast to the Carter plan, many Hispanic-American leaders have called for universal amnesty and full civil rights for all undocumented workers now in the United States, and some call for open borders in the future. The feasibility of such an amnesty is supported by the data on the work aliens do and the taxes they pay, but the Carter administration probably does not have the fortitude to back such a full-scale amnesty. ❑

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THE LIFE OF THE MIND: Volume I: Thinking, 258 pp., Volume II: Willing, 277 pp., by Hannah Arendt. Harcourt Brace Jovanovich, $12.50 each volume.

Freedom and the active life

MAURICE CRANSTON

HANNAH ARENDT WAS widely recognized to be one of the few outstanding political theorists of the twentieth century, but she died without publishing a systematic account of the general philosophy—the metaphysical and moral principles—that informed her political thinking. There has now appeared posthumously a book which goes some way (if not as far as one might wish) toward meeting the demand for such a statement. *The Life of the Mind* was put together by Mary McCarthy from the texts of the Gifford Lectures that Arendt delivered at the University of Aberdeen in Scotland in 1973 and 1974 and from notes of lectures given at the New School of Social Research in New York in 1975. Arendt suffered her first heart attack while she was in Scotland, and she never recovered enough strength to prepare these papers for the press; even so, the first two sections, "Thinking" and "Willing," are fairly complete, and only the last section, "Judging," is fragmentary. Thanks to the editorial solicitude of Mary McCarthy, the reader has no impression of confronting an unpolished work.

Arendt first became known to the English-speaking public as a controversial rather than as an academic writer; her voice was unique, in the sense that she said things nobody else was saying—arresting, startling, disturbing things, which often went against the whole movement of contemporary feeling about political and social questions, and which sometimes made her readers angry. For example, in an age in which social justice and social interest have come to be almost universally regarded as legitimate subjects of political concern—if not as the main fields of government action—Arendt sought to banish the idea of the social from politics altogether and to put forward a conception of politics as an activity overwhelmingly concerned with the realization of freedom.

No conservative ever went as far as Arendt in seeking to eliminate economic concerns from the realm of government. On the other hand, she developed a theory of freedom as extreme as that of any revolutionary, saying that there could only be politics where there was freedom and that there could only be freedom for everyone when everyone was active in politics, as, for example, in the primitive soviets of Russia in 1918 or the Hungarian rebel councils of 1956. She made nonsense of the usual dichotomy between right and left, opposing school desegregation at one time (on the grounds that it was an intrusion of the government into domestic affairs) and at another time supporting Communist expansion in Indochina: she detected heroic lineaments in the features of Ho Chi Minh. She dismayed many people by her commentary on the Eichmann trial in Jerusalem, in which she suggested that the Nazi bosses were not exceptionally monstrous in their wickedness, but simply intolerably ordinary.

Readers of her new book (published in two volumes, but providing one continuous argument) will find all these seeming paradoxes in her political writings less bewildering. Here one can find the basic reasoning that underlies her work—not, it must be said, spelled out in great detail, but sketched in sufficiently clear lines to be discernible.

Arendt does not like the name "existentialist," but it is as a product of the existential school of her teacher in Germany, Karl Jaspers, that she can be most readily understood. She holds that freedom defines man, but she does not accept the more extreme existentialist assertion that man is what he makes himself, for she is persuaded that men's choices are more often than not conditioned; this means that she has a certain sympathy for Marxism. She sees man as living in both the realm of freedom and the realm of necessity; but while most men are dominated by necessity, some can rise above it and achieve the full experience of freedom. The word "some" is crucial here. And this is perhaps the most disconcerting element in Arendt's thought: her wholly unmodern and antiegalitarian belief that ordinary, humdrum people can never rise to the strenuous demands of liberty.

ARENDT IS A PERSONALIST and elitist; in "Willing" she pleads (against skeptical philosophers) for a notion of Self, on the grounds that if there is no Self, there is nobody to be free. However, she makes it clear that she uses "freedom" in two senses: first in the metaphysical sense, to denote the freedom of the will, or indeterminism, which presumably is something every existentialist must assert; and second, in the political sense, which Arendt treats in her own special way, as the highest form of active life.

This conception of freedom sets Arendt apart from the Anglo-American liberal tradition—from Milton and Locke on—which regards freedom as largely a matter of the individual being left alone to do what he wants to: the "negative" conception of freedom, as it is often called. This is not to say that she subscribes to the fashionable alternative which ascribes freedom to the

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group, the nation, or society. Rather, she has a "positive," or "classical," conception of freedom: freedom is action, and specifically action in the public domain. Arendt does not despise privacy—on the contrary, she sees the private sphere as a place, or space, where the human personality can acquire depth and inwardness (and, of course, engage in contemplation). But the value of this inwardness reveals itself in the public action for which private experience is, so to speak, a preparation.

But what of philosophy itself? Arendt notes that philosophers have traditionally been divided between those (more concerned with Thinking) who prize the contemplative life, and those (more concerned with Willing) who prefer the active life. Here she observes a paradox: since philosophy is a form of thought, how can any philosopher logically prefer the active life while pursuing the contemplative? It is a challenging question. The only other philosopher who has taken the problem really seriously in modern times is another woman, Simone Weil, and she, in effect, killed herself in the effort to lead a *vita activa*.

A comparative study between the lives and thought of Hannah Arendt and Simone Weil would be immensely interesting. Here we have two theorists, virtually the only two women who ever made a marked contribution to political philosophy, more or less contemporaries, both Jewish, both thrown into political theory by the impact of the European crisis of the 1930s. One big difference is that Weil, a Frenchwoman, was activated by the rise of unemployment and the distress of the working class, and moved, via Marxism and Catholicism, toward an austere social compassion as well as a yearning for heroic "Christian" sacrifice. In contrast, Arendt, a German, was shocked by the rise of Hitler and his messy gospel of National Socialism, and she developed, as a rejoinder to totalitarianism, a passion for freedom and a "classical" ideal of heroism, with Achilles as its model; where Weil put love above all else, Arendt put liberty.

Neither woman was typically Jewish; Simone Weil was for years on the brink of conversion to the Catholic Church, and Hannah Arendt, in her eagerness to categorize Eichmann as a contemptibly commonplace man, came close to blaming his Jewish victims for their lack of heroism in not resisting. On the other hand, it is hard to think of either Simone Weil or Hannah Arendt as being anything other than Jewish in her cultural formation; besides, both belonged to that community which felt the fullest force of the Nazi atrocity, and it is worth remembering that all the best political philosophers, from Plato onwards, have been propelled toward political reflection by the shock of intense political upheavals.

In her understanding of the rise of totalitarianism, Arendt shows characteristic mistrust of any kind of demonological explanation: the rise of Hitlerism was not, she thought, due to the charismatic qualities of Hitler, but to the wretched passivity of mass man. Mass society, as she puts it, "is nothing more than that kind of living which automatically establishes itself among human beings who are still related to one another, but have lost the world once common to all of them." From this profoundly conservative perspective—conservative in the sense that Arendt believed that people who lose their traditions are all too easily doomed—she claims that totalitarianism is the creation of people so desperately anxious for certainty and meaning in their lives that they give blind adherence to the most cruel and irrational fictions. Again, it is the average, banal fellow, the *homme moyen sensuel,* who seems to get the blame from Arendt. She believes in great heroes; but she does not believe in great villians.

"The need for reason," she argues, "is not inspired by the quest for truth, but by the need for meaning."

THE EXERCISE OF WILL clearly has always been a central factor in Arendt's understanding of the human condition—indeed, she tells us in the present book that the original title of her most famous work, *The Human Condition,* was *The Vita Activa,* and the life of action is one in which Willing, of course, plays a central role. But can we will to will, or even not to will? Heidegger, another existentialist and a man for whom Arendt kept her respect despite his support for Nazism in its early days, came, towards the end of his life, to reverse his picture of man as willing to will and proclaimed a doctrine of *Gelassenheit,* the serenity of letting things be, the cult of a will-not-to-will. Arendt sees this change of mood as something "which reflected Germany's defeat" in 1945, and she will have none of it; she is a passionate champion of the will as a motor of innovation and achievement.

She believes that mind can shape the world, and in support of her belief she quotes a striking but little-known passage from Hegel which contradicts Hegel's famous dictum that "the owl of Minerva flies only at dusk" (meaning that philosophy flourishes only when history has already done its work). The passage reads: "In times of political upheaval, thought precedes and shapes reality." Hegel spoke these words to his students in 1829–1830. Arendt agrees with him, but she is still left with the problems raised by the difference between Willing and Thinking, and with the question, as she puts it, "Whether men of action were not perhaps in a better position to come to terms with the problems of the will than men of thought. . . ." Her response to this question is somewhat elliptical, but there can be no doubt that she remains faithful to the men of thought. The people to whom she turns for enlightenment are all philosophers, from St. Augustine to Gilbert Ryle.

It is interesting that Arendt should have chosen Scotland, the homeland of David Hume, the philosopher who stated most categorically that philosophy is for the library and not for the world, to make this plea for the restoration of philosophy to a place in practical life. The basic ground of her plea is that "the need for reason is not inspired by the quest for truth, but by the need for *meaning*." The need for meaning is as much an exigence of the active life—indeed perhaps more an exigence of the active life—than it is of the contemplative life. Her claim on behalf of the "metaphysical fallacies" which Hume and his successors tried to eliminate is that metaphysics contains "the only clues we have to what thinking means to those who engage in it."

Arendt always believed that some understanding of reality is a universal human need. Religion, tradition, and culture have generally answered that need; what they have provided is not

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necessarily knowledge or true belief, but interpretations of reality that enabled men to make sense of their experience. The Western world of today, reeling from the "death of God," the "elimination of metaphysics," and the "decline of morality," has found itself stripped of all such familiar supports. The situation in which Arendt thus found herself in the 1970s was the reverse of David Hume's in the 1760s. Hume could safely urge his fellow men to close their philosophy books and rely on habit, custom, and tradition, because habit, custom, and tradition were then powerful forces in everyone's life. But in an age when the force of such institutions grew perceptibly feebler every day, Arendt thought it was time to open the philosophy books again in an attempt to recover lost insights.

Philosophy could hardly wish for a more effective champion. Accustomed to writing for the New York literary press rather than for academic journals, Arendt developed an attractive style, which more than compensates for the somewhat Germanic ponderousness of her reasoning. But she never lost the old German professorial habit of referring to ancient texts for light on modern problems: she felt, for example, that she could best vindicate her own conception of freedom by showing how near it was to the Greek understanding of *eleutheria,* and her theory of authority by demonstrating its derivation from the Roman concept of *auctoritas*. Her scholarship was formidable; yet it did nothing to diminish the grace of her writing or the splendor of her personality, which was an entirely romantic one. Sartre once said that existentialism abolishes the distinction between philosophy and literature. In Arendt's case, there was no distinction; her philosophy *is* literature, and that is one more reason for believing it will go on being read.

Arendt thought it was time to open the philosophy books again in an attempt to recover lost insights.

THE RUSSIAN LANGUAGE SINCE THE REVOLUTION, by Bernard Comrie and Gerald Stone. Oxford University Press, 256 pp., $23.00.

A life of its own

ANTHONY BURGESS

THERE IS A STORY ABOUT Maxim Gorky and another man arguing about whether the slogan *Religiya—opium dlya naroda* ("Religion is the opium of the people") was well understood by ordinary citizens. They asked a Red Army man on guard: *Chto takoye opium?* ("What is opium?") and he replied: *Znayu—eto lekarstvo* ("I know—it's a medicine"). An indication that the mere dissemination of slogans and revolutionary neologisms is never a guarantee that the referents themselves will be understood. In Malaya, I remember, the Sanskrit word *Merdeka*, meaning political freedom, was confused with the Portuguese loanword *muntega*, meaning butter. A lot of the Malays could not stomach butter. In Russia, the very word *kommunist* was folk-etymologized to *kumanist* by peasants of the North. They knew *kumanist* from a fairy tale, a word derived from *kumanika*, meaning a kind of raspberry. Even *revolyutsiya* (revolution) got turned into *levorutsiya*—from *levo*, "left." As for neutral loanwords like *publika* (public), this got mixed up with *bublik*, a bagel, and *elektrichestvo* (electricity) was rationalized into *liktrichestvo*, because everybody knew *lik*—a religious image. Which brings us back to the medicine of the people. *Opium* was replaced by *durman* (dope). Everyone knew that dope was not a good thing.

Orwell's thesis, that the establishment of an authoritarian state is concerned with limiting the vocabulary of its citizens, thus depriving them of the apparatus of free thought, is not fulfilled in Soviet Russia, where the lexis has been steadily growing ever since 1917. True, the government has condemned the borrowing of words from outside—out of a mixture of Nazi-style chauvinism and fear of capitalist contagion—but the process of bringing an ignorant peasant nation into the world of technology and material consumption had to continue, and has been richly reflected in the vocabulary. However much the government frowned on solid imports like *bul'dozer, golkiper, khavbek* (half-back), *ofsayd* (offside), and imported abstractions like *abbreviatura* (abbreviation) and *diatonicheskiy* (diatonic), the flood continued, and all out of the decadent capitalist West: *greypfrut, gangster, teletayp, gandbol* (handball), *allergiya* (allergy), *adapter* (phonograph pick-up), *badminton, barmen, bikini, tvist* (1961), *bitnik* (1964). *Seks* (sex: 1963) came late, but no government fiat will remove it. Language has a disconcerting way, despite Orwell, of resisting the state. Anyway, according to Comrie and Stone, the state has ceased to care: "lexical purism . . . apparently plays no part in present-day language planning."

Language, I say, resists control, and yet language planning is possible—up to a point. Modifications of vocabulary and even grammar are being urged in our free anglophone West by the exponents of women's liberation. I frequently have to write letters to chairpersons; the response of accoucheurs to "midwife" is a demand for "midperson." The word "gay" has been taken over, with a regrettable limitation of meaning, by another pressure group. English has never cared much about the opposition of masculine and feminine forms when designating occupations, preferring the common gender, and specifying sex mainly to disparage (a poetess is inferior to a poet, and a woman novelist is not a Jane Austen). But Russian likes distinct forms and has had to do a lot of word-making since the Revolution opened all trades to both sexes. Prerevolutionary Russian society accepted, like the West, that some jobs were for men and others for women, with the exception of fairly lowly trades like that of the weaver—*tkach* for a man, for a woman *tkachikha*. The trouble began when a woman could be a general in the Russian army. A *general* was a man, and his wife was a *general'sha*. A nurse was a *sestra miloserdiya*, or sister of mercy. Now we have the *meditsinskiy brat*, or nursing brother,

Among ANTHONY BURGESS's books are A Clockwork Orange *and* 1985, *the latter to be published by Little, Brown in October.*

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and there is no longer any mercy in the work of the *meditsinskaya sestra*, or *medsestra*. Only a girl used to milk cows—a *doyarka*. Now men do it, and there has had to be a back-formation from the feminine form—*doyar*.

THE TROUBLE WITH DESIGnating a female general—the fact that the feminine form has already been preempted—is the same kind of trouble to be found in naming a female electrician. An *elektrik* is a man, and a woman should be an *elektrichka*, but that term has long been in use for a suburban train. A *tekhnik* is a male technician, but a *tekhnichka* is a technical college. Use *slavistka* for a woman expert in Slavic studies, and you will be laughed at. A philologist is always a *filolog*. And for that matter a comrade is always a *tovarishch*, since the feminine *tovarka* is out of use and, anyway, denotes a companion. A *geroinya* or heroine of the CCCP has to be a hero or *geroy*. You can plan so far and no further. Call a woman cosmonaut a *zhenshchina-kosmonavt* and you are drawing attention to the rare distinction of a woman's going into space. Call a lady doctor a *zhenshchina-vrach* and you will be bawled out for being patronizing. It is like calling a lady doctor a lady doctor.

The question raised by Comrie and Stone is whether "the use of the same form for both men and women indicates the absence of discrimination between the sexes" or, following Timofeev, the use of a distinctive form for women is the best means of emphasizing their equality. It seems that feminine derivational suffixes are not, in general, wanted, but there remains a grammatical problem. Do you say *uvazhaemaya tovarishch Ivanova*—"dear comrade Ivanova"—making the adjective follow sex, not gender? Do you say *izbranniy organizator prishla ko mnye*—"the elected organizer came to me"—making the adjective masculine but the verb ending (Russian is peculiar in its insistence on indicating gender in past tenses) feminine, female I would say? Shvedova in 1970 said that there is no strict rule for the choice of gender. This is very antiplanning.

It is in the chapter called "Modes of Address and Speech Etiquette" that Comrie and Stone take us to a bewildering area of usage that is only marginally linguistic. Peter the Great instituted a table of ranks and appropriate forms of address, so that if you belonged to classes 1 and 2 you had to be called *vashe vysokoprevoskhoditel'stvo*, but if you were down the ladder between 8 and 14 you merely got *vashe blagorodiye*. The noises are enough: I need not translate; indeed, I do not think I can translate. The revolution abolished everything except *gospodin* and *gospozha*—sir and madam or Mr. and Mrs.—but *tovarishch* was evidently going to be the one great democratic form of address. It has come a long way since 1906, when it was the honorific of struggle; now it is possible to say *tovarishchi* to any group, except one of convicted or unconvicted prisoners or of foreigners from capitalistic countries. The peasants did not at first quite see the point of it; they addressed delegates from Moscow as *gospodin tovarishch*—Mr. or Sir or Lord Comrade. *Gospodin* became a term of contempt in the Social Revolutionary Party of 1917, which spoke ironically of "the loyal subjects of gospodin Lenin." It is used now of enemies of the state and in addressing foreign capitalists like ourselves.

RUSSIAN, LIKE MANY OTHER languages (English is not one of them), uses two second-person singular forms—*ty* (thou) and *vy* (you)—conveniently termed T and V. The rules for their use in prerevolutionary Russia were headachingly complicated and not always well understood. Thus, peasants hardly knew about V and used T even to the aristocracy; some nobles did not know T and used V even to their subordinates. A husband could use T to his wife, but she would use V to him. When the Lena strikers presented their demands to the management in 1912, they insisted that in future they must be addressed as V, not T. The Revolution of February 1917 forbade the use of T in the army. Anything to promote egalitarian dignity and break with the past. Even naming a child was a revolutionary act, so that, at the start, names like *Vinigret* (Vegetable Salad), *Embryon* (Embryo), and *Kommentariya* (Commentary) were chosen for unhappy children, instead of the saints' names laid down in the church calendar. But the head-spinning subtleties of address are, despite Marxist rationalization, deeply ingrained in the Russian soul. If a "short" first name is Yura, it can still be diminished to Yurek, caressed into Yurochka, vulgarized into Yurka, teased into Yureshche, scorned as Yurashka, despised as Yurchishche. Some things never change. I, the sinful foreign face-grinder, will still go on being addressed as *dyadya* or uncle by innocent Soviet children.

This is a fascinating book, but the conclusions one draws from it are pretty humdrum. You cannot remake a language, however radical your revolutionary principles. The French remade time as well as weights and measures, but Corneille and Molière were not rendered unintelligible to the citizens of the new age. Soviet Russian is still the language of the great nineteenth-century novelists, though a reading of Chekhov or Dostoevsky is not an adequate linguistic preparation for a trip to modern Moscow. There are new words along with new referents, and some words have become taboo, but, though there is a Communist vocabulary, there is no Communist language. You can, of course, reform an alphabet, as Atatürk did, and as the Soviet authorities did when they confiscated the types and matrices of certain prerevolutionary letters—an act carried out by armed sailors who stormed the printing shops of Petrograd. But the Old Moscow language of the theater is still understood by speakers of Russian Standard, and, though God may be a non-Marxist concept, his name—*Bog*—in all its inflections enlivens many a Soviet committee meeting. All that this great language lacks today is a living literature. ❑

—AND I WORKED AT THE WRITER'S TRADE: Chapters of Literary History, 1918–1978, by Malcolm Cowley. Viking Press, 276 pp., $12.50.

Yeoman's service

HENRY NASH SMITH

THE CHAPTERS BROUGHT together in this book were written at intervals over the last 20 years as parts of a history of contemporary American literature. Cowley originally conceived that project back in the 1930s, at a time when,

HENRY NASH SMITH's most recent book is Democracy and the Novel: Popular Resistance to Classic American Writers, *to be published in October by Oxford University Press.*

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under the influence of the academic New Critics, writing about literature generally meant "close readings" of masterpieces. Whereas the New Critics insisted on "brushing aside everything social, economic, historical, or biographical, including the hopes and plans of the author," Cowley regarded literature as a part of history. He was interested in the social backgrounds of writers, "how they got started, how they kept going, how they pictured themselves, . . . the myths that they embodied in their work, . . . the relation between an author and his audience."

Cowley could begin with himself as a more or less typical example of such writers, for he had spent two years in Paris in the early 1920s as a struggling poet among the American expatriates who frequented the Dôme and the Deux Magots. He won his first national recognition with *Exile's Return* (1934), an account of this formative phase in the history of the Lost Generation. He now adds an extremely interesting chapter on Jules Laforgue, the French symbolist poet, who was a major influence on most of the poets of that group. Cowley places passages from Laforgue's work beside strikingly similar passages from some of his own poems and from Eliot's "The Love Song of J. Alfred Prufrock." And he reproduces a page of Hart Crane's copy of Laforgue with annotations showing that Crane worked carefully on the text even though his "French vocabulary was not extensive."

The next phase of Cowley's career was equally typical, for in 1929 he succeeded Edmund Wilson as literary editor of the *New Republic* and was thus inevitably involved in the feuds and factions of the New York world of letters during the 1930s. Although Cowley was by temperament more concerned with literature than politics, he found himself gravitating toward the Stalinist camp, trying (he says) to suppress his own uneasiness about such features of Soviet policy as the Moscow trials of 1936–1938. He opposed the American Trotskyists who clustered about the *Partisan Review* toward the end of the decade, explicitly breaking with the Communist Party line only after the Hitler-Stalin treaty of 1939. In a chapter of reminiscence significantly entitled "The Sense of Guilt," Cowley accuses himself of "something close to moral cowardice" during that period of strained loyalties and "character assassination" which brought out, as he says, the worst traits of American intellectuals. A whole chapter called "Personal Record" is devoted to his reply to a letter from Edmund Wilson in 1940 charging Cowley with having tied himself "to the Stalinists in some terribly incomprehensible way."

Both sides in this struggle between hostile factions of the left now seem to Cowley to have been partly right, and both more importantly wrong—wrong in what each failed or more or less deliberately refused to see. But as he looks back, he still believes that Hitler was a greater menace than Stalin, and that in some sense the choice was between them. He also has a vivid awareness of the potentialities for evil in the blanket anti-Communism that provided the basis for the Cold War. Characteristically, Cowley approaches these issues by way of Arthur Miller's play *After the Fall.* He is, after all, a historian of literature, not of politics either theoretical or practical, and the primary substance of this book is what it has to say about writers.

A DECADE AGO COWLEY DEclared: "The relatively short book review was my art form for many years; it became my blank-verse meditation, my sonnet sequence, my letter to distant friends, my private journal." His most important single contribution to the history of American letters was probably his description of the Yoknapatawpha County saga (with Faulkner's assistance) in his introduction to the *Portable Faulkner* (1946). But that topic has been fully explored in *The Faulkner-Cowley File: Letters and Memories, 1944–1962* (1966). In the present volume Cowley simply brings the topic up to date by a judicious analysis of John T. Irwin's neo-Freudian *Doubling and Incest–Repetition and Revenge* (1975). In another chapter he defends Hemingway against critics who have been engaged for some years in belittling his work. Cowley declares that the echo of a single amazing paragraph in "Big Two-Hearted River" (describing Nick Adams's observation of trout from the bridge) "has sounded first loudly, then faintly but still discernibly, through fifty years of American prose." The current state of Hemingway's reputation, Cowley says, presents us with "the picture . . . of a dead lion surrounded by a pack of jackals."

The major literary criticism in *—And I Worked at the Writer's Trade* is contained in the chapters on three friends of Cowley whom he considers unduly neglected or underrated: S. Foster Damon, Robert M. Coates, and Conrad Aiken. The description of Aiken's career is particularly eloquent. Here, as elsewhere, Cowley's impulse is toward affirmation. For example, even though he acknowledges that Erskine Caldwell failed to live up to the promise of *Tobacco Road* (1932) and *God's Little Acre* (1933), he points out that some 40 million copies of Caldwell's works have been sold, and that he was a major force in creating the present market for paperbound books. Sales of this magnitude, Cowley asserts, testify to something not totally negligible in the work, and he quotes Kenneth Burke to the effect that in Caldwell's early books there is "magic": "The plots are subtly guided by the logic of dreams."

This kind of criticism is decidedly out of fashion now, but Cowley has earned the right to be listened to even when he is propounding what may seem old-fashioned doctrines. His reminiscences lead up to "A Defense of Storytelling"—a predictably conservative protest against the postmodernist repudiation of plot in fiction or indeed any kind of "sequentiality" in literature. Cowley is by temperament flexible and tolerant; he has not forgotten that as a young man he was on cordial terms with European Dadaists who were devoted to the enterprise of destroying the bourgeois literary conventions of their day. But as a declared humanist, he has difficulty restraining his outrage at the current avant-garde doctrine, which seems to him to imply that "life as a whole is meaningless and absurd."

Cowley's proposed code for writers follows inevitably from these beliefs, which a generation coeval with his grandchildren is likely to find impossibly moralistic. Citing Henry James and Proust, he maintains that the artist must believe in the importance of art, must have confidence in his own talent, and must "honestly express his own vision of the world and his own personality, including his derelictions." The key words are positively Victorian: "will, conscience, probity." In an era that has digested Sartre's canonization of Saint Genet, Cowley acknowledges that artists may, and often do, exhibit serious "moral failings," but the last sentence in the book is: "Once I made in my journal a statement that needs to be qualified, but that still holds a general truth. 'No complete son-of-a-bitch,' I said, 'ever wrote a good sentence.' "

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MUSIC

Play it again

FRANK COOPER

TRY TO IMAGINE A MOVIE, entitled, perhaps, *The Great Nyiregyházi Returns,* which has this plot: a child born to a musical couple in Budapest at the turn of the century develops into a prodigy whose genius rivals Mozart's. He is so brilliant that, in his teens, he is known on both sides of the Atlantic as a pianist of tremendous scope. The early success, however, is marred repeatedly by horrendous scenes with his teacher, his mother, his agent. Blacklisted in the concert world, he runs away, falls on hard times, and, out of economic necessity, is forced into marriage with a woman 11 years his senior. The marriage is disastrous. Yet, as the years pass, it is followed by *eight* more. Alcohol enters his life and takes its toll. The genius winds up in, of all places, Hollywood—where he takes a job sight-reading scores in a movie studio. His efforts to revive his career abroad prove fruitless.

Eventually, as an old man, he ekes out a living on Social Security, residing in one room of a skid row hotel in San Francisco's Tenderloin district. His aged wife, bedridden, needs medicine he cannot afford. The pianist must now play again, though he has not owned a piano for 40 years. Without practicing, he plays a recital in a neighborhood church. The effect is emotionally shattering for the audience. The sweep and power of the playing seem impossible, miraculous. Thanks to the quick wits of a young man in the audience (who happens to have a cassette recorder with him), the unbelievable occasion is captured on tape. The tape is sent to someone in New York connected with the recording industry who, in turn, releases it to wild critical acclaim throughout the world. Network television and other major news media feature the story, and the world's largest foundation pays for recording sessions for which the old man will not and does not practice. Caught up almost mystically by the music, which flows with immense strength from his shaking hands, the pianist is reborn to music lovers everywhere.

Sounds preposterous, doesn't it? Bigger than life. Too big, perhaps. Yet it is true. No movie of it has been made, though one day there certainly could be. In the meantime, as these words are being typed, the great Nyiregyházi continues to live out his amazing story.

Ervin Nyiregyházi (pronounced *near*-edge-hah-zee), today 75, speaks softly. He is courtly, shy, and somewhat uncertain in conversation with strangers. But when he puts pen to paper he is open, even voluble. In response to questions about his now-famous album, *Nyiregyházi Plays Liszt* (Desmar/IPA-111), he has written:

> As for the Legend No. 1 (The Bird Sermon), the nobility of expression, with an ingrained determination to ascend to the spiritual citadel, gives the interpretation of this truly sublime work the substance and quality sorely missed in the approaches of other artists known to me. . . .
>
> If we admit the fact, then my accomplishment in the way I transmit the true spiritual message of Liszt to the world really becomes a major achievement, one of the milestones in musical history, viewed from a cultural aspect.
>
> My playing of Legend No. 2 . . . is replete with an almost fanatical desire and determination to succeed—to overcome by sheer indomitable force, all mundane obstacles—in this case, the content of Legend No. 2 being a symbol of my own life—and especially as it was in the context of my circumstances at that time (May 6, 1973).
>
> I feel I have to await the public response to the recording. . . . This response, if very favorable, could, in large measure, bolster my self-confidence, which I have lacked throughout my life—in spite of major artistic achievements.

DESPITE THE ACCOLADES of critics from coast to coast, Nyiregyházi's self-confidence was at such a low ebb earlier this year that he could not approach his new Ford Foundation–financed recording sessions in San Francisco without drinking the better part of a fifth of Scotch. Trembling, he sat down and played straight through Liszt's *Funérailles,* the tone poem *Hamlet* (Nyiregyházi's personal transcription), a short, late work called *Nuages gris*

NORMAND COUSINEAU

FRANK COOPER, pianist, harpsichordist, and author, has recently been named the first executive director of the Dade County Council of Arts and Sciences, in Miami, Florida.

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(*Grey Clouds*), and the *Vallée d'Obermann.* As an encore to the session, he played Rachmaninoff's Prelude in B Minor.

As Gregor Benko, president of the International Piano Archives at the University of Maryland and the man responsible for Nyiregyházi's return from oblivion, describes the scene: "Age and alcohol have left him with only his native ability and superhuman tone. We had some difficulty getting him to the keyboard, but once there, Ervin sort of went into a trance. His conceptions of every piece had a strange, obsessive quality unique to him. And there is no way to describe the intensity of Ervin's sound. Put it this way—he can play louder than any pianist alive but you cannot see how he does it."

That was on January 8. Nyiregyházi and his friends returned to the Scottish Rite Temple for further sessions on January 9 and 11, and on March 19, 20, 21, and 22. A host of familiar and unfamiliar works by Liszt were taped, all played from beginning to end with no retakes, no splicing: *Angelus* and *Cypresses of the Villa d'Este* (from *Years of Pilgrimage,* Bk. III), *Invocation and Miserere After Palestrina, Mosonyi's Funeral Music,* Benediction from the *Hungarian Coronation Mass, Venezia, At Richard Wagner's Grave,* Hungarian Rhapsody No. 3, *Unstern (Evil Star), Goethe Fest-Marsch,* the tone poems *Tasso* and *From the Cradle to the Grave,* a song called "Two Gypsies," and an improvised 14-minute paraphrase on themes from the oratorio *Christus.* The orchestral works were played in Nyiregyházi's highly personal transcriptions.

Orchestral pieces by other composers were included because the pianist simply wanted to play them on the piano—in his own transcriptions: Schumann's *Faust Overture,* the Prelude to Act II of Wagner's *Rienzi,* and the *Bridal Procession* from *Lohengrin.* Works for the piano which figured in the sessions—and which further demonstrated the wide range of his unusual repertoire—were Debussy's *La Terrace des audiences au clair de lune* (from *Préludes,* Bk. II), four *Lyric Pieces* by Grieg, Tchaikovsky's Waltz in A-flat, and *Romance* ("Played with such genuine sentiment and beautiful tone," says Benko, "that it became a kind of philosophical statement"). Also included were Dohnányi's Rhapsody No. 1, several *Travel Pieces* by Blanchet, two of Granados's *Goyescas,* Schönberg's *Klavierstücke,* Op. 11 No. 2 ("The performance has the power to take people who hate Schönberg's music and make them reassess it"—Benko), and an extravagant medley of 1920s jazz tunes ("played as though they were by Liszt").

In addition, Nyiregyházi insisted on including his paraphrases on themes from operas such as Verdi's *Il Trovatore, Un Ballo in maschera,* and *Otello,* from Leoncavallo's *Pagliacci* ("He sang 'Vesti la giubba' like Caruso at the piano!"), from Gounod's *Faust,* and from Puccini's *Girl of the Golden West.*

"Some of what we got on tape is unusable, but the rest," Benko asserts, "is magnificent." Plans call for the issuance of several albums derived from these sessions, probably by Columbia Masterworks. Negotiations are now underway.

THE MEANING OF ALL THIS lies in the undisputed fact that Nyiregyházi plays with the degree of power we traditionally associate with two of the romantic era's greatest figures, Franz Liszt and Anton Rubinstein. Comparisons with more recent virtuosi show Nyiregyházi in a special light. His is the colossal sonority reserved by Busoni, Hofmann, and Horowitz only for brief climaxes or sudden musical punctuations. With Nyiregyházi, such volume is a foundation for rhetoric in the grand manner throughout all large-scale compositions. It makes Arrau's tone appear dull and unexciting, Serkin's merely thin. The license with which Nyiregyházi treats written rhythms proves more fascinating than an Arrau's stolid literalism or a Brendel's calculated profundity. There is a palpable sense of spontaneous drama in Nyiregyházi's playing which latter-day pianists seem ill-equipped to handle naturally. The kind of musical truth that Nyiregyházi's power projects is novel in our computerized age. "I never dreamed I would hear a true 19th century pianist living in the 20th century," exclaimed *New York Times* critic Harold C. Schonberg upon hearing the original Nyiregyházi cassette. In his observation lies a clue to understanding the Nyiregyházi impact.

Once a listener gets past the surface nightmares of missed notes, the tangles in technique, and the generous use of pedal characteristic of a bygone age, it is possible to become mesmerized by the feeling, the emotion, the sentimentality of his playing (unless you are afraid of such unbridled experiences). "The more gushing, the better," the pianist proclaimed in a recent interview. Indeed, Nyiregyházi's lofty aspirations in performance and the hair-raising chances he takes can sweep the listener right out of this century and place him squarely in the nineteenth. Tempi, generally, are slow. Very slow. Much slower than we are accustomed to expect. But the effect on such masterpieces as Schubert's *Wanderer Fantasy* and Brahms's huge Sonata No. 3 (which also exist on tape as played by Nyiregyházi) is to multiply their musical weight awesomely. Nyiregyházi achieves a level of sonic grandeur almost symphonic in its amplitude. Liszt's works receive similar treatment. To Nyiregyházi, they cry out for it. "Such lyrical and dramatic intensity, such emphasis on the grandiose and imperial!" he exclaims.

In some ways, of course, Nyiregyházi is far beyond his prime, and one is forced to speculate about the recordings he could have made as a young man, at the peak of his form. His teacher, Dohnányi, once said simply, "Nyiregyházi? He could do anything at the keyboard." The new recordings invite us to reconsider some of our attitudes toward nineteenth-century music and the art of playing the piano (which was developed in the nineteenth century). Nyiregyházi's life stands as a monumental romantic ruin, the redeeming features of which are to be discovered through his recordings.

Some day, perhaps, the Nyiregyházi phenomenon will be understood, and he can be assessed objectively. But we have a lot to grasp first. More than 700 compositions (!) have been written by the pianist, though none have been heard. Their titles alone should provoke interest: *Inferno—A World Drama, Man Versus Woman, The Picture of Dorian Gray, Love and Suicide, Roosevelt Versus Hitler, South American Meditations, Work Is the Curse of the Drinking Class, The Whiplash of Alcohol,* and *Orgy of the Desperados.*

Those interested should start with the Desmar/IPA disk and, possibly, with Géza Révész's book, *The Psychology of a Musical Prodigy* (written in 1924 and reprinted by both Arno and Greenwood). It is a study of the child Nyiregyházi from his seventh to his eleventh year. And, for those who stay up late at night watching old movies on television, there may be the opportunity to see a chilling horror epic called *The Beast With Five Fingers.* The pianist whose disembodied left hand plays the Brahms transcription of Bach's Chaconne is Ervin Nyiregyházi. ❑

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FILM

GREASE, directed by Randal Kleiser.

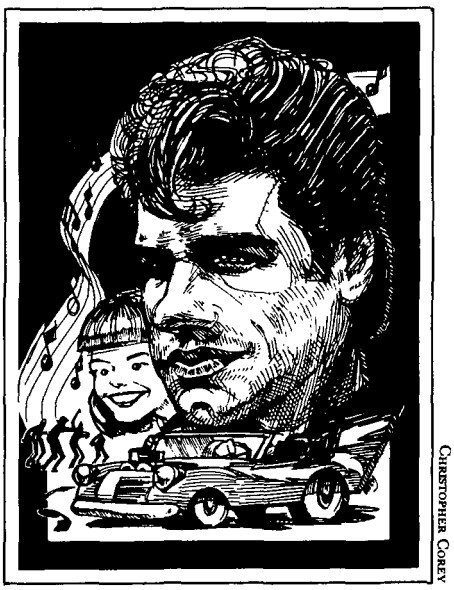
Rock 'n' roll follies

STEPHEN HARVEY

THOSE OF US WHO LOVE the movie musical have never quite gotten over that fateful day back in 1959, when, after *Funny Face* and *Silk Stockings*, Fred Astaire hung up his dancing pumps to face the effects of the H-bomb in *On the Beach*. Something irreplaceably joyous went out of the movies then and there, and somehow all those cheesy Elvis vehicles were no substitute for what had been lost.

Musical aficionados have been waiting ever since for the genre to be revived. From the sixties on, the debuts of performers like Streisand, Minnelli, Diana Ross, and even Julie Andrews made it clear that the talent was ready and waiting to be tapped, if only someone in Hollywood had the sense to take advantage of it. Yet instead of the sprightly sophistication of *Singin' in the Rain* and *The Band Wagon*, we were offered a sheaf of plodding, three-hour roadshow adaptations of Broadway extravaganzas that were either outmoded by then or hadn't been much good to begin with. Moreover, these fiascos were misdirected by people whose affinity for the musical idiom matched, say, Arthur Miller's mastery of screwball farce. Hence, many of us settled for pathetically little—the first hour or so of *Funny Girl* and a snippet or two from Ken Russell's *The Boy Friend*—while conferring a B-plus for effort on Bob Fosse for *Cabaret*. (I won't even discuss such popular mishaps as the treacle-clotted *Sound of Music*, or *West Side Story*, which, as Pauline Kael once wrote, is really a musical for people who hate musicals.) It all amounted to 20 years of pretty small pickings.

Yet, optimist that I am, I held out great hopes for the film adaptation of *Grease*. By now, the stage version has been around for so long that it's easy to take its virtues for granted—namely, a bouncy, fifties-evoking score, some witty characters, and a fairly clever angle of vision, plus a streamlined



CHRISTOPHER COREY

energy that would seem to make it ideally suited for the film medium. In addition, in assembling this project, the movie's producers had the foresight to retain the stage choreographer, Patricia Birch, keep the budget and running time within bounds, and people the film with a host of likely young actors, including the hot property of the moment, John Travolta. It all looked awfully promising; regrettably, however, *Grease* is little more than a muddle of missed opportunities.

Like so many other movie translations of past Broadway hits, the screen *Grease* opted to drop much of the original score, add some new tunes, and simplify the plot to showcase the personalities of its much-touted stars. None of these supposed improvements wrought any miracles—apart from the final upbeat duet, the new songs aren't as catchy as the ones they replaced, and the new title ditty is more disco than do-wop, a jarring lapse at the very least. Moreover the slender storyline always needed all the camouflage it could get—the bumpy romance between a would-be JD (Travolta) and a homogenized cheerleader (Olivia Newton-John) is pretty pallid stuff, however electric the lead performers may be.

Yet all this would hardly have mattered if the people behind the cameras had managed to stumble onto a distinctive and consistent style for this picture—for that is the one quality no musical can afford to be without, whatever the medium it's working in. Like most successful nostalgia pieces, the stage *Grease* was populated with archetypes out of a raunched-up version of Archie comics, with only the barest relation to how people really behaved during the bygone fifties. The movie should have dared to amplify the stylization of the stage version—after all, what else is the screen for as far as properties like this are concerned? Instead, the celluloid *Grease* was largely shot in an honest-to-goodness L. A. high school, replete with real football field, bleachers, gymnasium, senior carnival, and the works. Plunked down in front of these prosaically genuine backdrops, the two gyrating gangs of T-Birds (the boys) and Pink Ladies (the girls) resemble masqueraders all dolled up with no place to go—they're just caricatures with all the myth knocked out of them.

ANY DIRECTOR WHO UNDERstood the first thing about musicals would have figured out the problem after the first day's rushes. However, the movie was assigned to a tyro named Randal Kleiser, whose previous experience was confined to teary TV dramas like *The Boy in the Plastic Bubble* and *Dawn: Portrait of a Teenage Runaway*. Presumably, he was chosen for his ability to work with young people (Travolta in particular), an irrelevant point since the actors are so much older than the punks they're impersonating that they're forced to overcompensate with paroxysms of pubescent leers and mugging whenever the camera half-turns in their direction.

No genre requires a firmer command of the medium than the musical, but Kleiser's work has all the slapdash visual anemia of the average prime-time melodrama. Too many of the musical numbers look as though they were stitched together in the editing room from whatever footage was available, rather than carefully composed for the camera. "Beauty School Dropout," a

STEPHEN HARVEY, INQUIRY's film reviewer, is coordinator of the film study program, Museum of Modern Art, New York City.

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A good director could really do wonders with Travolta, and I hope he finds one before he descends into preening self-parody.

Ziegfeld-parody dream sequence, is amusingly designed and choreographed and clearly might have been delicious if it hadn't been so ineptly shot. The big high-school-dance routine, "Hand Jive," is simply chaotic—the sequence is so swamped with detail that the audience is hard-pressed to pick out the real dancers from the extras.

Once in a while, it all comes together sufficiently to give a hint of what might have been. The opening number, "Summer Nights," is briskly shot, choreographed and edited, and brims with rocking, contrapuntal energy—it's reminiscent of the best moments from *Bye Bye Birdie*, which is exactly as it should be. Occasionally, the performances provide a fair amount of compensation; such veteran comics as Alice Ghostley, Sid Caesar, Joan Blondell, and Dody Goodman have been drafted to represent the older generation. Most of them have been wasted or misused, but it's nice to see that, at long last, Eve Arden has been promoted to high school principal and that she's as droll as ever. In the role of Rydell High's toughest cookie, Stockard Channing applies the irony with too liberal a hand, but her first entrance is marvelous—sheathed in a form-clinging black number worthy of some unholy cross between Lana Turner and Mercedes McCambridge, she descends from her battered pink sedan with impeccably slutty nonchalance, sizing up the fall crop of greasers from behind a pair of Cinemascope-sized shades.

AS THE FILM'S SKITTISH, chaste heroine, Olivia Newton-John is done up, appropriately enough, as an uncanny facsimile of Debbie Reynolds in her *Tammy* phase. Newton-John turns in a professional job, but like Debbie, Doris, and her other role models, she's in reality much too grown-up to personify virginal dewiness even in musical-comedy-land—rather than lovelorn, she merely looks anxious.

Naturally, much of the public's attention is going to be focused on her celebrated costar, and Travolta probably won't disappoint his multitudes of admirers. As the hood with a heart of pure vanilla malted, both pelvically and vocally he delivers a smooth variation on the old Presley panache, while exuding the same sweet, dense narcissism that served him so well in *Saturday Night Fever*. Still, his opportunities are a lot more limited here, and you long to see him enlist that magnetism in the service of something a little less perfunctory than this role. A first-rate director could really do wonders with Travolta, and I hope he finds one before descending into preening self-parody once and for all.

There's no doubt that, however mediocre it may be, *Grease* will prove one of this summer's box-office marvels. After all, the movie has plenty of presold appeal, and has been accorded the most massive hype since last summer's *The Deep*. (Remember *The Deep*?) At the same time, since it's lively enough and inoffensive to a flaw, audiences too young to remember what a really superior musical looks like may well mistake it for the genuine article. Yet it's really a shame that the project which spawned the whole fifties revival in the first place should now look like just an expanded rerun of *Happy Days*, with a handful of interpolated songs. ❑

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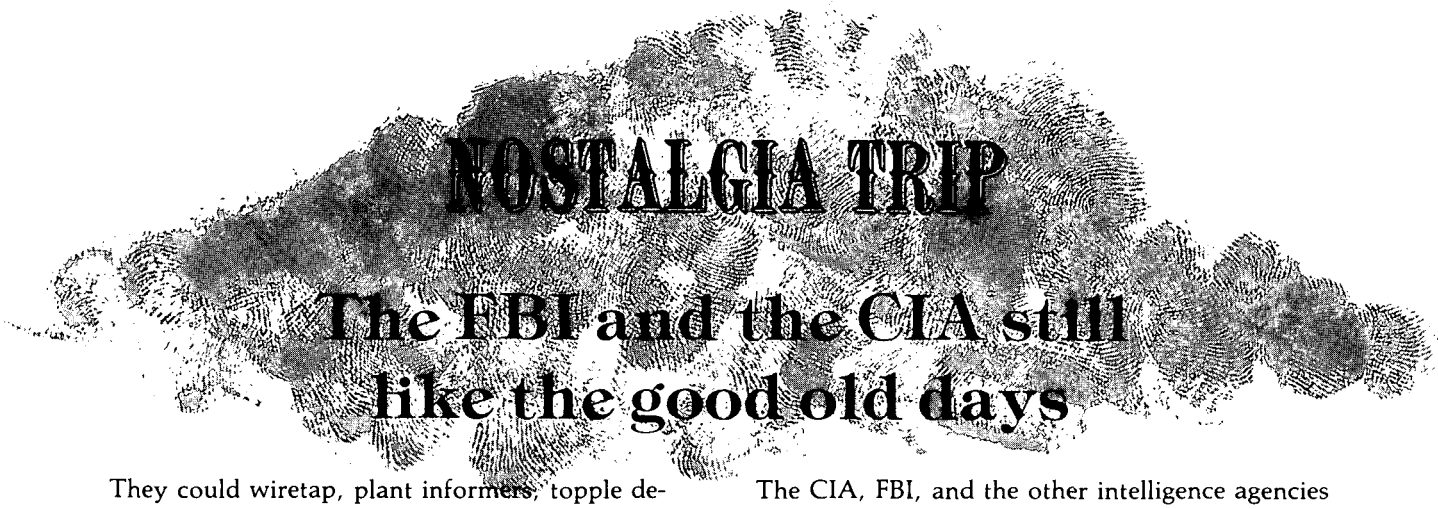

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